

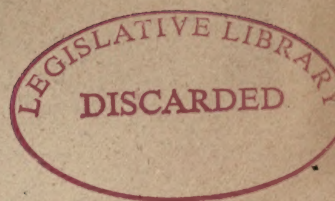
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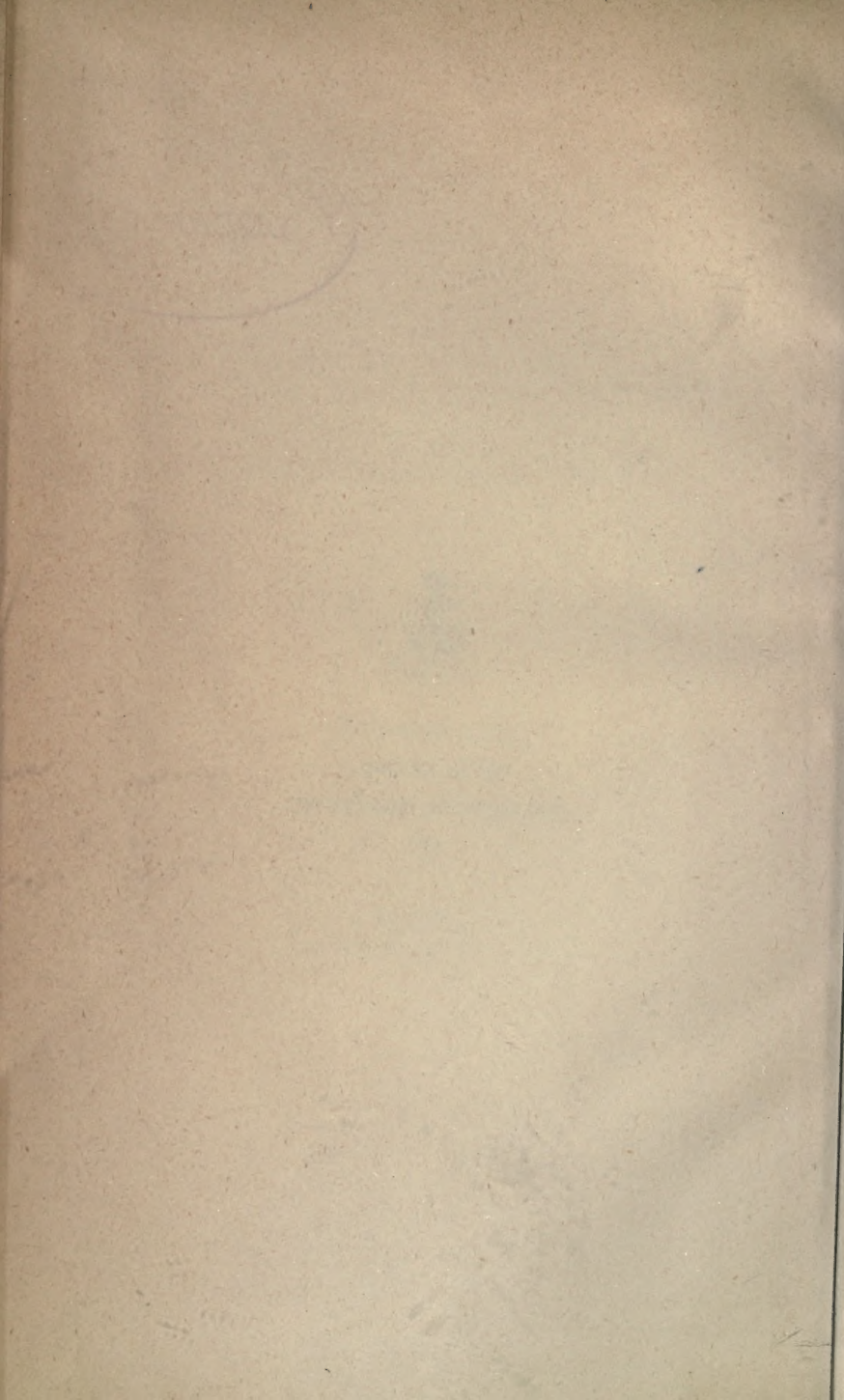
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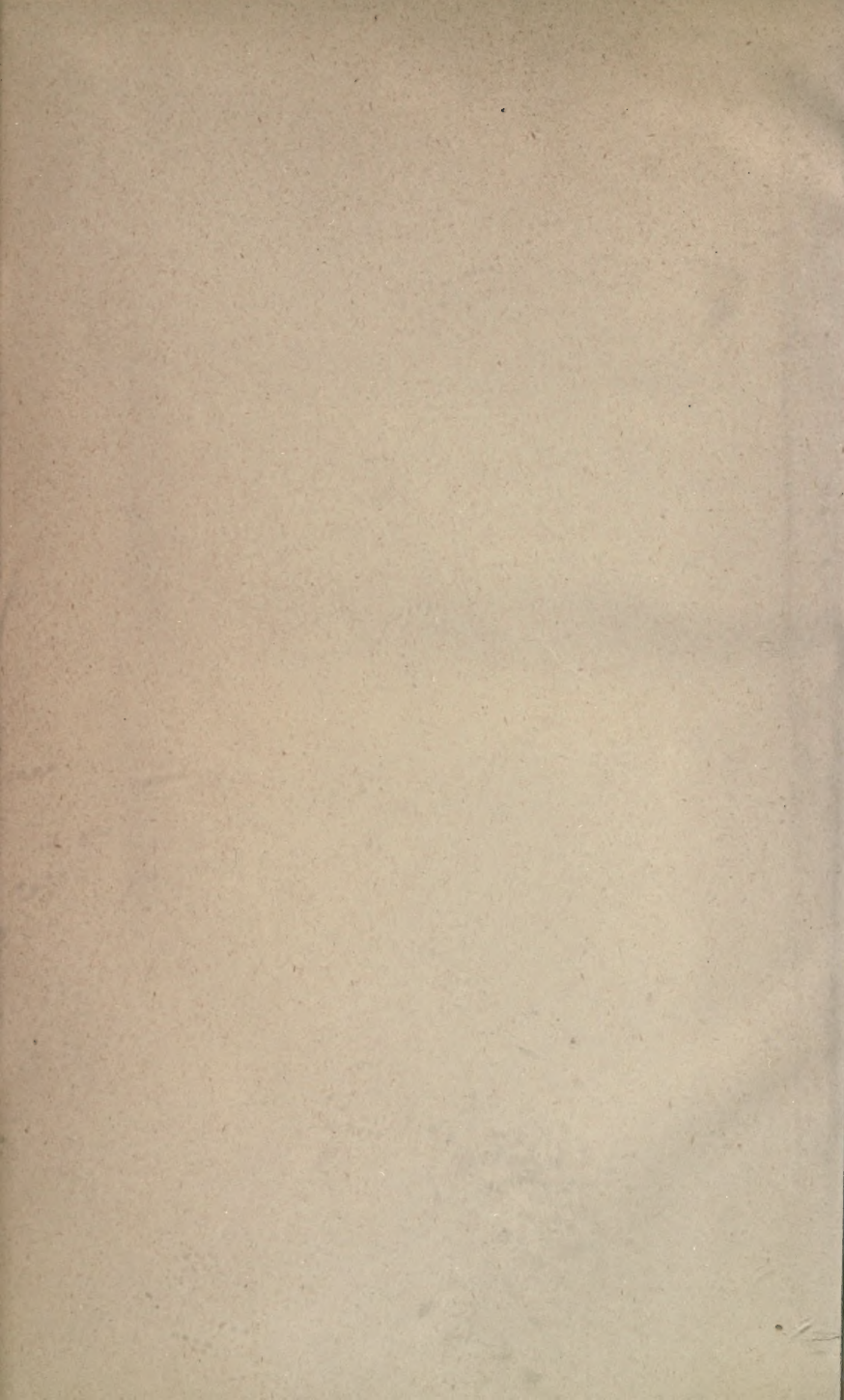
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THE  
HISTORY  
OF  
THE UNITED STATES,  
FROM  
THEIR COLONIZATION  
TO  
THE END OF THE TWENTY-SIXTH CONGRESS, IN 1841.

BY  
GEORGE TUCKER.

---

*In Four Volumes.*

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VOL. III.

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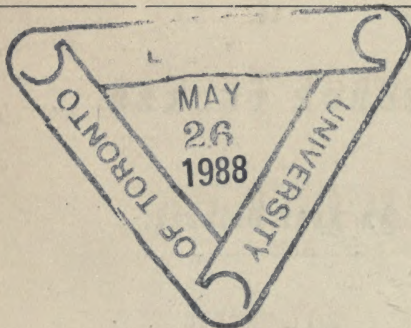
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# HISTORY

## OF THE

### UNITED STATES.

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#### CHAPTER XVII.

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##### SECOND TERM.

1813—1814.

THE Government of the United States was now subjected to a new and a severer test. It was to be seen how it would sustain itself in a war with a powerful enemy, when its only regular force consisted of raw levies, slowly raised, and at great cost; with a revenue hitherto dependent on commerce, and now cut off from that source of supply; a Chief Magistrate whose habits, character, and tastes were conciliatory; and a Legislature controlled by public sentiment, which if, on the one hand, it supported the war from a lively sense of national wrong, keenly felt, on the other, the natural impatience of taxes. It was, therefore, an interesting spectacle to see how these difficulties, which had pressed so heavily in one campaign, were to be encountered in another, and whether the valor and skill which had been so conspicuously exhibited at sea would not be gradually developed on land.

On the fourth of March, 1813, Mr. Madison delivered his second inaugural address, in the presence of both Houses of Congress, and of the citizens generally.

His chief topic was, as might be expected, the war, its justice, and its necessity, if the people were not disposed to surrender their national sovereignty. On this issue, he said, were staked the security of an important class of our citizens, and our equality with other sovereign powers.

The employment of Indians in war by the enemy was again severely reprehended. He spoke encouragingly of the nation's resources, and of the rapid development of its faculties by the very means which Great Britain employed to impair its prosperity.

After bestowing high commendations on the exploits of the navy, he adds, "if the reputation of our arms had been thrown under clouds on land, presaging flashes of heroic enterprise assure us, that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress."

In consequence of an offer from the Emperor of Russia, of mediation between the United States and Great Britain, which complimented the "wisdom of the States," and which they readily accepted, the President appointed John Quincy Adams, James A. Bayard, and Albert Gallatin Ministers to proceed immediately to St. Petersburg, to enter upon a negotiation of peace under the proposed intervention. They left the United States in a public ship, about the last of April.

Let us now return to the operations of the war, which, in the early part of this year, as well as in the preceding, maintained the same character of American success at sea, and of disaster on land.

After an exchange of prisoners with the enemy, pre-

parations were begun for a vigorous campaign in 1813. On the twenty-first of February, the British appeared before Ogdensburg with a force of twelve hundred men; and Captain Forsyth, with a garrison of one hundred and eighty-five men, after resisting the attack for more than an hour, was obliged to abandon the Fort, having first lost twenty-nine men in killed and wounded. A plan was then formed to attack Little York, the capital of Upper Canada, by a combined military and naval force. This was formerly known by the name of Toronto, which it has since resumed. It lies on the north side of Lake Ontario, at the bottom of a harbor of the same name, formed by a narrow peninsula, called Gibraltar Point, on which stores and block-houses were constructed.

On the twenty-fifth of April, General Dearborn, with a force of seventeen hundred men, embarked on Lake Ontario, and arrived before the town of York on the twenty-seventh. The attack was conducted by Colonel, then General Pike. The British force, consisting of seven hundred and fifty regulars and militia, commanded by General Sheaffe, prepared to oppose their landing. The debarkation commenced at eight o'clock in the morning, and was completed by ten, though the enemy, screened by the copsewood which grew near to the margin of the Lake, were able greatly to annoy them. They steadily formed in platoons, and attacking the British with vigor, soon dispersed them, and remained undisputed masters of the ground. But the enemy having rallied and formed anew, General Pike prepared to attack them with the bayonet, and gave orders that no man should be permitted to load. The enemy again retreated to his second battery; but as that appeared to be evacuated, Pike paused, suspecting an ambuscade.

He sent forward Lieutenant Riddle to ascertain if there were men in the garrison; but in this short interval, before Riddle returned, the magazine, outside the barrack-yard, blew up with a terrible and most destructive explosion, which proved fatal to the General himself and two hundred and sixty of his column. It had been fired by a train laid for the purpose; and had not General Pike halted his troops at the second battery, before they entered the barracks, his whole force would have been destroyed.

The command now devolved upon Colonel Pearce, who sent to demand an instant surrender of the town, which accordingly took place. The barracks were forthwith occupied by the Americans until General Dearborn arrived. The British were in the meanwhile retreating, and had they been vigorously pursued, their whole force must have been captured. In marching from the barracks to the town, Colonel Pearce was met by several militia officers with offers of capitulation. While the terms were under discussion, the enemy was busy in destroying the military store-house, and a large vessel-of-war, almost ready to be launched; and General Sheaffe, with his regulars, was effecting a safe retreat. At four o'clock in the afternoon, the Americans were in possession of the town. The terms of the capitulation, which promised protection to persons and property, were strictly enforced, notwithstanding the irritating circumstances that have been mentioned. Under the capitulation, forty officers, and two hundred and fifty non-commissioned officers and privates were surrendered.

Pike was a gallant and skilful soldier, and highly esteemed in the army. As they were carrying him to the boats, a shout was heard from his troops; and on being told that the American standard had supplanted

the British in the garrison, he expressed his satisfaction, exhausted as he was; and when on board the Commodore's ship, he made a sign for the British flag, which had been brought to him, to be placed under his head, and expired.

After the troops had entered York, General Dearborn arrived, and not long afterwards the principal part of them was re-embarked. The number of killed in the action was fourteen, of wounded twenty-three; of killed by the explosion, fifty-two, of wounded, one hundred and eighty. The British loss, in killed and wounded, was two hundred; of prisoners, fifty regulars and seven hundred militia.

About the last of April, the British laid siege to Fort Meigs (on the north bank of the Miami), which had been a short time before reinforced by hasty levies of militia from Kentucky and Ohio. From several batteries on land, as well as gunboats in the river, they kept up a continued discharge of bombs and cannon-balls, but without doing much injury to the Fort. General Green Clay, who had promptly obeyed the summons of General Harrison, received orders, before he reached the Fort, to land eight hundred men on the opposite shore, to storm the enemy's batteries, and spike his cannon, while a sortie from the Fort should attack his works. Colonel Dudley executed the order to the letter. Having crossed the river, he carried the four batteries of the enemy, spiked eleven cannon, and put the regulars and Canadian militia to flight; but then, instead of recrossing the river to Fort Meigs, his men, elated with their success, insisted on pursuing the enemy. These having met a large body of Indians coming to the relief of the garrison, the British arrested their retreat, and prepared an ambuscade, into which the brave and unsuspecting Kentuckians fell; and

in the engagement that ensued, nearly the whole of the detachment was killed or captured.

Colonel Miller, however, who commanded the sortie, at the head of three hundred and fifty men, regulars and militia, attacked the whole line of the British works, defended by a force of regulars, militia and Indians double in number to his own: after several brilliant charges, he succeeded in driving the enemy from his batteries, and spiking the cannon. He then returned to the camp with forty-two prisoners. The enemy, seeing no prospect of carrying Fort Meigs, after thirteen days, raised the siege, and retreated. Their loss in the siege and sortie of the Americans was thirty-one killed, and one hundred and eighty-nine wounded. The whole loss of the Americans was, of the regulars, one hundred and fifty in killed and wounded; and of the militia, one hundred and fourteen. Of this loss, Kentucky, by the irrepressible ardor of her citizens, suffered the largest share, In Dudley's attack they lost above two hundred men.

Farther offensive operations were postponed until the naval force on Lake Erie was completed. Meanwhile, a council of Indians, well affected to the United States, was held near Seneca Town, the head-quarters of General Harrison. They offered to take up arms in behalf of the United States. The incursions of the hostile Indians had of late become bolder and more frequent; but having received a signal check from Colonel Ball, the whites found a temporary relief.

The next object of attack of the American army was Fort Niagara. On the eighth of May, they were landed four miles below the Fort, at a creek of that name. The next day a detachment of one hundred regulars, under Captain Morgan, was sent to destroy the public stores collected at the head of Lake Ontario, which they

effected. But the landing of the main body of the troops having been delayed by a strong wind, that of the advance was opposed by a very superior force, twelve thousand men. They, however, succeeded in effecting their landing, and dispersed the enemy. Fort George was now abandoned by them, and taken possession of by Colonel Scott, just as the magazines were about to blow up. At twelve o'clock, the town of Newark, and the batteries around it, were in possession of the American troops; but so rapid had been the retreat of the enemy, that few of them were overtaken, the golden opportunity in the first moments of success not having been seized.

In these actions the British lost, in killed, one hundred and eight; in wounded, one hundred and sixty-three; and in prisoners, one hundred and fifteen regulars, and of militia, five hundred and seven. The Americans lost thirty-nine killed, and one hundred and eleven wounded. Much praise was also given here to Commodore Chauncey for his zealous and judicious co-operation.

The day after the battle, Captain Perry was despatched to Black Rock to take five vessels to Lake Erie as soon as possible, to form the squadron which would soon be wanted also for that Lake. This squadron was to proceed to Presqu' Isle, to co-operate with the Northern army under Harrison.

On the approach of the American army under General Dearborn, in May, all the posts on the Niagara were abandoned by the enemy, and taken possession of by Dearborn. It being reported that General Proctor was about to join General Vincent, to make an effort to regain the ground they had lost, a detachment of two brigades under Generals Winder and Chandler, with dragoons and artillery, were despatched to prevent this union, or to intercept the British in their intended march. They en-

camped near Stony Creek, not far from General Vincent's station, but in so unguarded a manner, that they were surprised at midnight, and both the commanding Generals captured, with other principal officers. Vincent took the precaution to march with fixed bayonets, but unloaded guns, and was thus successful. Five pieces of artillery were seized and turned upon the encampment. The Generals were mounted on the first alarm, and riding up to the battery to stop its firing, not knowing it was in the hands of the enemy, they were thus made prisoners. In the confusion which prevailed, the American troops suffered much from the fire of their own men. Seasonable relief was afforded by Captain Towson's artillery, which was so well plied as to throw the British also into confusion. This irregular, but spirited conflict continued until the light of the morning enabled the parties to distinguish each other. The fifth regiment, which had not lost a man, was duly formed and supported by part of the twenty-third regiment. These being sustained by a rapid and well-directed fire from the encampment, the enemy soon gave way, then rallied, and broke again. They were charged by the dragoons, and put completely to the rout. Their commanding officer was discovered the next day, almost famished, four miles from the scene of action. The efforts of Colonel Burr and Colonel Milton were thought to have saved the army. The American loss in this surprise was sixteen killed, thirty-eight wounded, and two brigadier-generals, one major, three captains, and ninety-four men missing, who were captured by the enemy.

After the American troops left Sackett's Harbor, to make the attack on Fort George, the British thought a tempting opportunity was offered to them of capturing the former place. They therefore hastily embarked all

the force they could collect, under Sir George Prevost, with the fleet under Sir James Yeo, and on the night of the twenty-seventh of May, five hours after Fort George was captured, they appeared off the entrance of the Harbor. The American garrison consisted of two hundred invalids, and two hundred and fifty dragoons, just arrived from a long march. Two small vessels, under Lieutenant Chauncey, had been stationed at the mouth of the harbor. An express was immediately sent for General Brown, then eight miles from the Harbor, who arrived, and made every preparation for the defence of the place.

On the twenty-eighth, the British squadron, consisting of nine armed vessels and thirty-three flat-bottomed boats and barges, appeared in sight at the distance of five miles. A fleet of American barges coming round Stony Point, to the relief of the garrison, were then attacked, and twelve of them were captured. The remaining seven got safely in. While the enemy was engaged in capturing these boats, and on the look-out to intercept others, the militia from the neighboring counties had collected at Sackett's Harbor; but the whole force, regulars and militia united, did not exceed one thousand men. General Brown having arranged his plan of defence, quietly awaited the threatened attack.

At early dawn on the twenty-ninth, the enemy was discovered with his vessels in line, and in a few minutes they approached the shore, under cover of his gunboats, commanded by Commodore Yeo. When very near, a destructive volley brought them to a pause. The Americans were ordered to repeat their fire; but before the second round had been discharged, the militia precipitately fled — they being seized by one of those panics, to which inexperienced troops are peculiarly exposed. Colonel

Mills, in endeavoring to rally his men, was killed. Brown's plans being thus about to be rendered abortive, he made an effort to rally the retreating militia, and finding a company of one hundred men whom Captain M'Nutt had prevailed on to return to the post, he added them to the regulars and volunteers.

The British had now effected their landing on Horse Island, and begun their march for the town of Sackett's Harbor. A sharp conflict then ensued, and the American troops sustained themselves well against a superior force. Commodore Chauncey having received information that the American forces were about to surrender, set fire to the barracks and public stores, as had been previously agreed on. General Brown now resorted to the only course he thought capable of saving the place. Understanding that the militia who had deserted their post in the beginning of the action, were not yet dispersed, he hastened to them, and exhorted them to follow the example of their brave associates. He reproached them with their want of spirit, and ordered them to follow him, and threatened with death the first who should refuse. His order was obeyed. He also, by way of intimidating the enemy, made a movement as if his object was to get to the river to cut off their retreat by taking possession of the boats. Sir George Prevost was now convinced that the American force was superior to his own. He gave up all hope of capture, and hurrying to his boats, was rowed off to the British squadron. His foes were too prudent to expose their relative weakness by a pursuit. In his hasty flight, Prevost left the dead and wounded not only of his men, but also of his officers, on the field. His loss was stated to be three field officers, one captain, and thirty-five rank and file found dead on the field; two captains, and twenty rank and file,

wounded; two captains, one ensign, and thirty-two rank and file made prisoners; besides those killed in the boats, or carried off before the retreat. The loss of the Americans appeared to be a third greater—one colonel, twenty regulars and one volunteer were killed; the wounded were one lieutenant-colonel, three lieutenants, and one ensign, of the regulars, and seventy-nine rank and file were wounded, and twenty-six missing. The loss in public stores was also very great. It had been much greater, but for the daring efforts made to save the public property.

The next day the British, probably discovering their error, sent a flag demanding a surrender of the post, which was of course rejected. Just as the British were retreating to their boats, Colonel Tuttle arrived with a reinforcement of six hundred regulars,<sup>1</sup> which was soon followed by others, so that the return of the enemy was not dreaded, or even expected. In spite of the failure of Sir George Prevost in his main object, and his precipitate retreat from the field of battle, in his general orders he claimed to have achieved a brilliant victory. Such are the delusive materials of ephemeral military glory. It is time alone which can winnow the spurious from the true.

General Dearborn, who had for some time been incapable, by indisposition, of discharging his high duties, being compelled to issue his orders while in the bed of sickness, resigned and returned home. General Morgan Lewis, of New York, took his place at Sackett's Harbor, while the command of Fort George, and the stations in its vicinity, devolved on General Boyd.

The small town of Sodus, between Genesee and Oswego

<sup>1</sup> A letter states them at four hundred and fifty men. — IV. Niles, page 253.

rivers, was captured by the British, and finding the public stores had been removed, they destroyed much private property, but offered to desist on the delivery of the flour and other provisions which had been previously deposited in the town. These provisions, though then not more than two hundred yards from the village, they did not attempt to capture, from fear of an ambuscade. A reinforcement of militia took away the necessity of submitting to these hard and scarcely defensible terms.

The same squadron then made hostile demonstrations on Oswego, but were deterred from the execution of their purpose by the appearance of different bodies of militia.

In a subsequent enterprise of the American troops, the British were more successful. On the twenty-eighth of June, a detachment of six hundred men, under the command of Colonel Boerstler, was sent off for the purpose of cutting off the supplies of the enemy, and of breaking up their encampment at the Beaver Dams, where about three hundred and forty men, regulars, militia, and Indians, were stationed. On the march of the detachment, it was attacked from an ambuscade. The assailants were repulsed, but all attempts to draw the assailants (chiefly Indians) into the open ground proved unavailing, and the enemy continuing to receive reinforcements, a retreat was ordered. An express was sent to General Dearborn for aid, but before it arrived, Boerstler had, on the representations of a flag, of the hopelessness of resistance, been induced to capitulate.

A party of New York volunteers, who were detained as prisoners in violation of the engagement to parole them, rose upon their guard, and carried them prisoners into Niagara.

Lieutenant Eldridge, who had been ordered to the support of two outposts near Fort George which were

attacked by the enemy, was also the victim of an Indian ambushade. Thirteen were killed or wounded, and all but five of the remainder were made prisoners, and then inhumanly murdered by the Indians. It is said that some of them were scalped while they were yet alive. It was pretended, as an excuse for the Indians, that Eldridge had killed one of the chiefs of their tribe.

These unwarranted cruelties induced General Boyd to take a party of the Seneca and Tuscarora Indians into the service of the United States, in the expectation that a fear of retaliation would prevent the recurrence of such atrocities. They soon after succeeded in bringing into camp twelve British Indians, and four white men, with the loss of only two of their own body.

Early in July, the British made a successful attack on the village of Black Rock, then defended by militia, most of whom soon took to flight. The invading party set fire to the barracks, and other public buildings, spiked some cannon, and took off a considerable quantity of provisions. Various petty skirmishes and conflicts now took place on the margin of the lakes, with divided success, which scarcely deserve particular notice. Among them, however, were the capture of the two armed schooners, *Growler* and *Eagle*, by a squadron of British gunboats, after an engagement of three hours and a half, by which capture the enemy now had the undisputed command of Lake Champlain. The loss was very trifling on both sides.

It is said that the British abused the power they thus possessed, in committing great depredations on the private property of the inhabitants; but excesses of this character, it would seem, from the frequency of the complaints of it, are not easily avoided, and may be set down as one of the ordinary incidents of war, to be expected when

not prevented by the present fear of retaliation. Among their acts of this description was their capture of the town of Plattsburg, where, after destroying the public stores, they wantonly set fire to several private dwellings. They committed similar outrages at Swanton, in Vermont.

There was now a contest between the two nations for the ascendancy on Lake Ontario. The American squadron, under Commodore Chauncey, consisted of twelve vessels, most of them very small. The British, under Sir James Yeo, had but six, which were, however, greatly superior in size and number of guns. In the course of the summer, the fleets were three times engaged, either at long shot, or in a running fight; on one of which occasions, the British cut off and captured the adventurous schooners Growler and Julia, carrying two guns each; and on the other, the Americans took six armed transports. Sir James Yeo evidently avoided a decisive action.<sup>1</sup>

Congress met on the twenty-fourth of May, agreeably to the law passed for that purpose, and the Opposition brought forward Mr. Pitkin, of Connecticut, as Speaker; but on the first ballot, Henry Clay, the former Speaker, received eighty-nine votes, and Pitkins fifty-four.

On the twenty-ninth, the President's message was received by both Houses.

He begins with the mention of the Russian mediation, which he had promptly accepted, and the departure of the two Envoys, who had proceeded to St. Petersburg, to join their colleagues already there.

He thinks that a favorable result may be presumed; and on the subject of impressment, which is not a belligerent right, he shows that the mode proposed by the

<sup>1</sup> See II. Cooper's *Naval History*, Chapters XIX and XX.

United States, of each nation excluding from its naval service the seamen of the other, would be advantageous to Great Britain as well as to the United States.

But as these reasonable expectations of peace may be frustrated, he recommends a vigorous employment of the resources of war, especially as the enemy are adding to its savage fury on one frontier, and pursuing a system of plunder and conflagration on the other. He mentions the capture of the *Peacock* by the *Hornet*, with a celerity unexampled, and with a most extraordinary disproportion of loss. He regards the attack and capture of York as a presage of future and greater victories.

The receipts into the treasury from revenue, loans, and treasury-notes, have amounted to fifteen millions four hundred and ten thousand dollars; the expenditures to fifteen millions nine hundred thousand dollars; leaving only one million eight hundred thousand dollars in the treasury. The loan of sixteen millions has been contracted for. The receipts from customs, sales of land, and loans, will be above twenty-nine millions, and will be required to meet the engagements contracted.

This evident dependence on loans shows the necessity of making a further provision for the future supplies of the treasury. He recommends, for that purpose, a system of internal revenue, which will not only lessen the amount required to be borrowed, but will also improve the terms of the loans. The last debt of sixteen millions was contracted at seven and a half per cent.

No country, he remarks, is better able to bear taxes, and he feels assured that the citizens are ready to give this proof of their patriotism, as the contest in which the country is now engaged presents every motive that can animate an uncorrupted and enlightened people.

On the tenth of June, Mr. Eppes, as Chairman of the

Committee of Ways and Means, made a report to the House, which showed that the sum required for the year 1814 was fourteen millions four hundred thousand dollars,<sup>1</sup> and that the existing revenue was equal only to five millions eight hundred thousand dollars; leaving, consequently, the sum of eight millions six hundred thousand dollars to be provided.

To raise this amount, the Committee recommend a direct tax of three millions, and various internal duties for the residue. To levy these taxes, direct and indirect, they reported twelve separate bills, all of which were referred to the Committee of the Whole.

On the same day Mr. Webster, of New Hampshire, who now first appeared on that theatre, of which he was long so distinguished an ornament, offered a series of resolutions respecting the repeal of the Berlin and Milan decrees, about which there was conflicting evidence; and on which fact, as some maintained, the existing war had depended.

The resolutions were as follows:

First. That the President inform the House when, by whom, and in what manner the first intelligence had been given to the United States of the repeal of those decrees.

Second. Whether Mr. Russel had ever admitted or denied to his Government the correctness of the declaration made by the Duke of Bassano to Mr. Barlow, as stated in Barlow's letter of the twelfth of May, 1812, that the decree of the twenty-eighth of April, 1811, had been communicated to his predecessor; and to lay before the House any correspondence with Mr. Russel, not improper to be communicated.

Third. Whether the French Minister ever informed

<sup>1</sup> Annals of thirteenth Congress, page 148.

this Government of the decree of April twenty-eighth, and that the correspondence upon this subject be in like manner communicated.

Fourth. That the President communicate any other information relative to that decree, tending to show at what time, to whom, and in what manner it was first made known to this Government.

Fifth. In case the first information of that decree was the letter to Barlow from the Duke of Bassano, whether the United States had ever required any explanation of the concealment of that decree from this Government; and if no such explanation had been given, whether this Government had made any remonstrance, or expressed any dissatisfaction of such concealment.

These resolutions gave rise to an animated party debate, on the eighteenth, nineteenth and twenty-first of June.

To the resolutions themselves, there was not much opposition; but they were used by one party as the occasion of assailing the Administration and the war, and by the other as that of defending both. Those who took the lead in the opposition were Messrs. Oakley and Grosvenor, of New York; Mr. Hanson, of Maryland; Mr. Sheffey, of Virginia; and Mr. Gaston, of North Carolina; who, with much bitter denunciation of the French Government, and strong party and personal invective, maintained that had the repeal of the French decrees been duly communicated to the British Government, it would have revoked its orders in council, and thus have prevented the declaration of war: that the French Minister had asserted to the American Envoy that the repeal had been communicated to the American Government by two channels. If this statement were true, as some seemed to believe, the Administration, by concealing the fact

from Congress, had been guilty of involving the country in a war which had proved as disastrous as it had been unnecessary; and if it were unfounded, as others thought probable, the Administration were culpable in not resenting the falsehood and duplicity of France, and in not communicating its measures to Congress.

The principal defenders of the Administration were Messrs. Calhoun and Grundy, with Yancey and Murfree, of North Carolina, who insisted that the repeal of the French decrees only against the United States would not have been sufficient to effect the revocation of the British orders in council, in support of which they referred to repeated declarations of the British Government, That although that Government, disregarding those declarations, had finally assigned the partial repeal of the French decrees as the cause of her revoking her orders, yet that could not have been the real reason, because more than a month had elapsed after the repeal of the decrees before the orders were revoked, and because the revocation seemed to be the immediate consequence of an investigation in Parliament, which showed that the orders in council operated injuriously on the manufactures and commerce of the kingdom. They also insisted that though the orders in council had been revoked, there was, in the practice of impressing American seamen, ample cause of war; and that their claims for redress against Great Britain were independent of the conduct of France.

On this topic, the following ground, as just as it was elevated and national, was maintained by Mr. Calhoun:<sup>1</sup> "I have ever regretted," said he, "that the injuries of the belligerents should for a moment have been viewed in their retaliatory character, notwithstanding the excel-

<sup>1</sup> Annals of thirteenth Congress, page 177.

lence of the motive — a love of peace, and a desire to maintain it: I would have taken a higher ground; and the Government, finding all their pacific efforts were in vain, were compelled at length to appeal to the last resort. An opposite view of this question appears to me ridiculous, if I dare mingle ridicule with a question of such seriousness. Is it not absurd to contend that we ought to suffer ourselves to be beaten to death, whilst engaged in abstract philosophic inquiries who gave the first blow? In the whole of this contest of restrictions, I shall ever deem the conduct of France to have been improper."

In the last remark of Mr. Calhoun, we have an example of a difference between the two political parties in this discussion. While the aggressions of either belligerent were warmly resented by the members on one side or the other, there was a forbearance shown by the Opposition towards British wrongs which was not manifested by their opponents towards the wrongs committed by France. Thus Mr. Yancey said, "If the gentlemen are solicitous to prove a falsehood on the Duke of Bassano, let them do so; I want nothing to convince me of the political hypocrisy and perfidy of that Government."

The first four resolutions passed by majorities of four or five to one; and the fifth, by ninety-three votes to sixty-eight.<sup>1</sup>

On the twelfth of July, the President, in answer to those resolutions, transmitted a report from Mr. Monroe, Secretary of State, according to which the first intelligence of the decree of the twenty-eighth of April, 1811, was received from Mr. Barlow in a letter dated May the twelfth, 1812, received in July; and the first intimation to Mr. Barlow was in May, 1812, by M. Bassano, who

<sup>1</sup> Annals of thirteenth Congress, page 288.

said that he had duly communicated it to Mr. Russell, who, however, denied the fact.

This decree was never communicated to this Government by the French Minister, and no explanation of the omission has been made. On an inquiry of him relative to a course so extraordinary, he said that he had first learnt of the repeal in a letter from M. Bassano, of May, 1812, and that Mr. Barlow had been required to demand an explanation; but before one had been given, the Emperor had left Paris, and Mr. Barlow died. His successor had been authorised to renew the negotiation, and to demand an explanation.

That the decree of the twenty-eighth of April had been communicated by Mr. Russell to Lord Castlereagh, as a further ground for the revocation of the orders in council; but though it was afterwards made the ground of their repeal, that repeal was ascribable to other causes, of which he offers proofs. That neither the decree of the twenty-eighth of April, nor the repeal of the orders in council, could have had any influence in producing the declaration of war, as they both occurred after that event.

That the British Government, by its course, had rendered itself responsible for all that followed. The decree of the twenty-eighth of April declares the definitive repeal of the Berlin and Milan decrees, because the non-importation act was enforced against Great Britain. She then virtually admits that she ought to have rescinded her decrees on the first declaration by France of August the tenth. In the confidence shown by the American Government to the declaration, it acted as it had done in the arrangement with Erskine.

All the reasons alleged by Great Britain for not revoking her orders in council are examined and refuted.

The course of Great Britain made it necessary for the United States to resist, and to retort her hostility. The Secretary, in conclusion, notices the prediction that war with England would force the United States into a closer connection with France, which, he said, had been completely falsified.

This message, with its accompanying documents, having been referred to the Committee of Foreign Relations, Mr. Calhoun, its Chairman, very promptly made a report,<sup>1</sup> which thus concludes: "Upon a full investigation of the conduct of the Executive in relation to Great Britain and France, as disclosed in the message and documents, your Committee are of opinion that a just course has been pursued towards both nations, and in no instance has the dignity, honor, or interests of the United States been compromised." They then recommend a resolution which, on the conduct of the Executive, expresses the approbation of the House. But the resolution, though referred to the Committee of the Whole, was not again acted on during the remainder of the session. The Chairman's motion to take it up was rejected by seventy-four to sixty-two;<sup>2</sup> members on both sides voting with the majority, either thinking that the subject had been sufficiently investigated, or that nothing was to be gained to their party by a further discussion.

Soon after the adoption of Mr. Webster's resolutions, a strong remonstrance of the Legislature of Massachusetts was presented to the House, denouncing the war as impolitic and unjust, defending the course of Great Britain, and charging the party in power with a blind and reckless partiality and even subserviency to France.

As this paper mentioned the admission of Louisiana into the Union as one of the grounds of complaint, Mr.

<sup>1</sup> Annals of thirteenth Congress, page 435.

<sup>2</sup> Ibid. page 470.

Robertson, the member from that State, after some remarks, moved to strike out this part of the memorial before it was referred, which gave rise to a brief discussion. The remonstrance was finally ordered to be printed in full by a decisive majority. It was laid on the table, as was also an address by the minority of the Legislature, which characterised the statements in the remonstrance as "unreasonable in their origin, reprehensible in language, erroneous in facts, and pernicious in their effects."

The President, with the view of making Great Britain feel the inconvenience of the war, by depriving her of all opportunity of participating in American commerce, in vessels under neutral disguises, recommended to Congress to prohibit all exports.

The subject was discussed in secret session, and having been referred to the Committee of Foreign Relations, that Committee made a report advising an embargo, which report was adopted by the House. The next day, the bill laying the embargo passed by eighty votes to fifty.<sup>1</sup> But a majority of the Senate thinking, with many of the war party, that the restriction would operate more injuriously on the United States than on the enemy, refused its sanction to the bill by eighteen votes to sixteen.<sup>2</sup>

Mr. Jackson, of Virginia, submitted for the consideration of the House, but not to be acted on until the next session, the following amendments to the Constitution of the United States :

First. That Congress have the power of laying a tax on exports.

Second. That it have power to make roads in any State, with the consent of such State.

Third. That it have power to make canals, with the like restriction.

<sup>1</sup> Annals of thirteenth Congress, page 503.

<sup>2</sup> Ibid. page 100.

Fourth. That it have power to establish a national bank, with branches in any State or Territory.

Mr. Mason, in behalf of the Committee to whom had been referred that part of the President's message which relates to the spirit and manner in which the war had been waged by the enemy, made a report, at the end of the session, of the testimony they had collected on the subject, which they arranged under the nine following heads :

First. Bad treatment of American prisoners.

Second. Detention of prisoners as British subjects, on the plea of nativity in the British dominions, or of naturalization.

Third. Detention of mariners as prisoners of war, who were in England when war was declared.

Fourth. Compulsory service of impressed American seamen on board of British ships-of-war

Fifth. Violation of flags of truce.

Sixth. Ransom of American prisoners from Indians in the British service.

Seventh. Pillage and destruction of private property on the Chesapeake Bay and the neighboring country.

Eighth. Massacre and burning of American prisoners surrendered to officers of Great Britain, by Indians in the British service. Abandonment of the remains of Americans killed in battle, or murdered after the surrender to the British. The pillage and shooting of American citizens, and the burning of their houses, after the surrender to the British under the guarantee of a protection.

Ninth. Outrages at Hampton, in Virginia.

The particular facts on which each of these charges is founded are compendiously stated in the report.

No inconsiderable part of this session was consumed in

discussing the important subject of taxes, of which every one was now sensible of the importance, as they would at once lessen the necessity of resorting to loans, and enable the Government to borrow on better terms. Indeed, without their aid to the treasury, it might be difficult to effect further loans on almost any terms.

The accession to the ways and means from this source consisted of a direct tax of three millions; a tax on carriages, on auctions, on distilled spirits, on licenses to sell liquor, on refined sugar; stamp-duties on bank-notes, notes of hand, and bills of exchange; and a duty of twenty cents a bushel on imported salt.

The treasury was further aided by authorising a loan of seven millions and a half.

The only addition to the means of defence was a corps of sea fencibles, not to exceed ten companies, and authority given to the President to purchase and equip barges for the defence of the cities.

About the last of May, the President having stated in a message to the Senate, that the King of Sweden had been desirous of exchanging a public Minister with the United States, he had nominated Jonathan Russel Minister to Sweden.

The Senate, instead of acting directly on the appointment, inquired of the President first as to Russell's admitting or denying that he had been informed of the decree of the twenty-eighth of April, and also as to the correspondence with the King of Sweden respecting the interchange of public Ministers; plainly showing that there was a small majority of the Senate who did not cordially support the Administration, or give them its entire confidence.

On the fourteenth of June the Senate appointed a committee to confer with the President on this nomination.

But in a temperate and respectful message he declined the proposed conference, on the ground that the Executive and Senate were co-ordinate in making appointments, and consequently that the conference should not be with one of the parties and a committee of the other.

The President being too much indisposed to receive the committee of the Senate, a note from Mr. Monroe offered to confer with them, and to give them such information as he possessed. But the offer was declined by the Senate; and on the sixth of July that body decided, by a vote of twenty-two to fourteen,<sup>1</sup> that it was inexpedient, at this time, to send a Minister-Plenipotentiary to Sweden.

Thus the prudence and moderation of Mr. Madison arrested the progress of an untimely collision between him and the Senate, and which could not have been prolonged without putting them in the wrong with the public.

During the session some important changes occurred, by Executive appointments. John Armstrong, of New York, who, at the close of the Revolution, attained "a bad eminence" as the author of the Newburgh letters, but whose errors on that occasion had been long forgiven by the Republicans, was appointed Secretary of War, for which he was considered to be much more fit than Mr. Eustis, who was persuaded to resign. Mr. William Crawford, of Georgia, was appointed, in April, to succeed Mr. Barlow as Minister to France.

The nomination of Messrs. Adams, Bayard and Gallatin as Ministers to Russia, on the subject of her proposed mediation between Great Britain and the United States, having been submitted to the Senate, that body, after concurring in the appointment of Adams and Bayard, hesitated as

<sup>1</sup> Annals of thirteenth Congress, page 100.

to that of Gallatin. Understanding that Mr. Gallatin was to retain the place of Secretary of the Treasury, and thinking that office incompatible with that of foreign Minister, a committee was appointed to confer with the President on the subject, which conference the President declined, for the reasons given in the case of Mr. Russell. The appointment was then negatived by eighteen votes to seventeen.

Congress adjourned on the second of August to meet at the ordinary day in December.

Let us now recur to the military operations on the northern frontier.

In August the British regained possession of Newark, and encamped in the neighborhood of Fort George, after they had forced in the whole line of American outposts.

The British, encouraged by their partial successes, were now bent, with the accessions which their army was constantly receiving, on driving the Americans out of Canada; and their first objects were to recover possession of Fort Meigs and Fort Stephenson, on Lower Sandusky. The latter place, indeed, was considered by General Harrison to be so utterly untenable, that Major Croghan, who commanded it, was ordered by him to abandon it; but he thinking otherwise, if it should be seriously threatened, took upon himself the responsibility of attempting its defence.

Tecumseh, the celebrated Indian warrior, who was said to have been honored with the commission of an English brigadier, was sent forward, with a large body of Indians, to make an attack on this garrison, then defended by only one hundred and sixty men.

On the first of August, seven hundred Indians under Tecumseh, and five hundred regulars under General Proctor, appeared before the Fort, and the guns of the

gunboats which had transported them were brought to bear upon it.

Major Croghan, brave and confident, though scarcely more than twenty-one years of age, prepared for the expected assault by cutting a deep ditch, and putting a stockade round it.

A flag was sent by Proctor to demand the instant surrender of the Fort; but was answered that it would be yielded only when it had lost all its men. Intimidation was then vainly attempted by the flag, with no better success.

The fire from the gunboats and a howitzer was then opened, and continued throughout the night. In the morning, three six-pounders of the enemy were discovered at not more than two hundred and fifty yards from the Fort.

The fire upon the Fort seeming to make no impression, the British General believing it could not be carried unless a breach could be made in its north-west angle, ordered all his guns to be directed to that point. Here, too, Croghan concentrated all his means of defence, by bags of sand, flour, and other articles, which proved effectual. Supposing the stockade to be shattered by the continued attack, Lieutenant Short was ordered, with three hundred and fifty men, to storm the Fort at that angle, whilst a second column made a feint attack on another point. The artifice, however, failed. The men at the north-west angle remained firm at their post, and when the British column approached within twenty paces of their lines, then enveloped in deep smoke, the garrison opened a heavy and well-directed fire, which threw the advancing column into confusion, and intimidated the rest. The British battery, now strengthened by two more six-

pounders, renewed the attack, by a fire as incessant, but as ineffectual, as before.

Lieutenant Short, impatient at being baffled by a force known to be so inferior, again led up his column to the stockade, and springing over the pickets into the ditch, commanded his men to follow, to storm the works, and to give no quarter.

At the north-west angle was a block-house, in which a six-pounder had been concealed, and which had been so placed as to rake the ditch, loaded with a double charge of leaden slugs; it was fired on the approaching column, the front of which was not thirty feet distant, and killed Colonel Short and almost all who had followed him. A discharge of musketry was at the same time directed against those who had not entered the ditch, and did great execution. The officer who succeeded Colonel Short gallantly rallied his men, and led them to the same fatal point. A second fire from the six-pounder proved as destructive as the first, being supported, in like manner, by the musketry against those who were not in the ditch. Thus repulsed a second time, the British could not be brought to another assault. They suddenly retreated, first to an adjoining wood, and then to their shipping; and the next morning they sailed down the bay, leaving their dead and wounded behind them, who were humanely attended to by Major Croghan. In this abortive attack the enemy is supposed to have lost one hundred and fifty men; the garrison had but one man killed, and seven slightly wounded.

For this masterly defence, Croghan was promoted to the rank of lieutenant-colonel; and he, with all under him, received the thanks of the Government. For disobeying the order of his General, in attempting to defend

a post supposed to be untenable, though at first arrested, he had been excused by the General before the action.

The fleet on Lake Erie having been completed, they set out on a short cruise, for the purpose of training the sailors, most of whom had belonged to the militia; and in the latter part of August, Commodore Perry proceeded to the mouth of Sandusky River, which empties into Lake Erie, to co-operate with General Harrison. Hence he proceeded in search of the British squadron.

On the tenth of September, the latter were seen bearing down on the American squadron, then in Put-in Bay. Perry soon weighed anchor, and went out to meet his adversary. Though the British had fewer vessels, they had a superiority of force, both in men, and in the number and size of their guns.

The American squadron consisted of—

The brig Lawrence, the Commodore's vessel...	20	guns.
The Niagara, Captain Elliott.....	20	"
Caledonia, Lieutenant Turner.....	3	"
Schooner Ariel.....	4	"
Scorpion.....	2	"
Somers.....	2	" 2 swivels.
The Trippe, Tigress and Porcupine.....	3	"

Total ..... 54 guns, 2 swivels.

The British squadron consisted of—

Ship Detroit, Commodore Barclay...	19	guns, 2	howitzers.
Queen Charlotte, Captain Finnis....	17	" 1	"
Sch. Lady Prevost, Lieut. Buchan...	13	" 1	"
Brig Hunter.....	10	"	
Sloop Little Belt.....	3	"	
Schooner Chippewa.....	1	"	2 swivels.

Total..... 63 guns, 4 howitzers, 2 swivels.

At first the British had the weather-gauge; but at ten o'clock a shift of the wind gave the Americans that

advantage. At eleven the line of battle was formed, and a little before the Detroit and the Queen Charlotte opened a heavy fire on the Lawrence, which she could not return for more than ten minutes, because she carried only carronades. The wind being too light for the other vessels to come to her support, she was compelled to sustain the fight singly for upwards of two hours. In this unequal contest the Lawrence suffered severely. A great number of her crew were killed, her rigging cut to pieces, and at length every gun was rendered useless, and the ship became unmanageable. She had twenty-two killed, and sixty-one wounded, when Commodore Perry, seeing that she must soon surrender, if the other vessels were not brought to her assistance, by an admirable presence of mind and decision, gave the command to Lieutenant Yarnall, and jumping into a boat, ordered it to be rowed to the Niagara, to which he had determined to shift his flag. In passing from one vessel to the other, he was exposed to a shower of balls; but he escaped unhurt, though he stood up all the while, waving his sword and cheering his rowers. At the moment he reached the Niagara, the flag of the Lawrence came down, and the wind then fortunately rising, he soon brought his ship into action, and gave signal for the whole fleet to close. The vessels on both sides were now all engaged; but as the enemy's superiority was much increased by the loss of the Lawrence, with the same promptness of decision, he determined on breaking their line with the Niagara. He carried his purpose into execution, and pouring a heavy and destructive fire into the Detroit, Queen Charlotte and Lady Prevost from his starboard side, and into the Chippewa and Little Belt from the larboard. As he passed the Lady Prevost within half pistol shot, her Commander received a musket-ball in his face, and the crew,

unable to stand the fire, ran below. At first all was uncertainty; but after a while, the Queen Charlotte had lost her captain and all her principal officers, and having run foul of the Detroit, most of the guns of both vessels became useless. In this situation they had to sustain an incessant fire from all the vessels of the American squadron. The British Commodore's flag was then struck, and those of the Queen Charlotte, the Lady Prevost, the Hunter, and the Chippewa followed in succession. The Little Belt attempted to escape, but was pursued by two of the gunboats and captured. This victory was thus as complete as it was glorious, and the entire command of that important Lake was secured to the United States.

Victory is often the result of the efforts of one master mind; but it has rarely happened that the evidence of it was so clear as on this occasion. It was clearly due to Commodore Perry, first in shifting his flag to the Niagara, after his own ship was disabled, and then in breaking the line of the enemy; and the merit was the greater, as the victory was achieved when all chance of escaping defeat seemed hopeless.

As the ships were well fought on both sides, the loss consequently was very great. That of the British was about two hundred; that of the Americans was twenty-seven killed, and ninety-six wounded. The prisoners, six hundred in number, were conducted to Chillicothe.

The Americans thus having undisputed possession of the Lake, prepared then to expel the enemy from Detroit, and for other offensive operations. In September they received the important reinforcement of four thousand mounted volunteers from Kentucky, under Governor Shelby. Thus strengthened, General Harrison decided on entering Canada; and on the twenty-seventh

his force was disembarked about three miles below Malden. They thence proceeded to Amherstburg, where public stores were deposited. The fort, barracks and other public buildings, which had been set on fire by the British before they abandoned the place, were still smoking when Harrison arrived. They thence proceeded to Detroit, which was abandoned by the enemy in like manner; and thence Harrison set off in pursuit of Proctor up the Thames.

After a continued pursuit of the British General, during which important captures of stores were made, on the fifth of October they came up with the enemy, then prepared for action, not far from the banks of the Thames. They were well posted, with their left on the river, and a miry swamp in front. They numbered six hundred regulars, and twelve hundred Indians were formed along the margin of the swamp. After the first fire, the enemy's line was charged by upwards of one thousand horse, whose force was found to be resistless, and who, having instantly formed in the rear, repeated the charge, and in a little while the British surrendered. General Proctor made his escape in a carriage under a strong escort of dragoons.

In the mean time, the action was going on to the left with the Indians, who contended more obstinately. Tecumseh, who commanded them, showed more than his wonted skill. Strongly posted as he was, he awaited the attack of the American cavalry, which was commanded by Colonel Johnson, of Kentucky. The attempt to break the Indian lines, by reason of the difficulties presented by the swamp and the adjoining thicket, failed. In the engagement which followed, Johnson ordered his men to dismount, and leading them up a second time, he succeeded in breaking through the Indian lines.

During the conflict which ensued, well contested on both sides, Johnson, who had been wounded five times, met Tecumseh, at the instant that his horse received a second wound, and just as Tecumseh was preparing to throw his tomahawk, the Colonel drew a pistol, shot the Indian through the head, and they both came to the ground together. Johnson, then taken from the field, was succeeded in the command by Major Thompson, and the Indians continued to resist an hour longer before they took to flight. Many of them were pursued by the cavalry, and cut off.

In this battle of the Thames, the number of Americans engaged was said not to exceed fourteen hundred, the nature of the ground precluding the employment of the residue, who of course remained as a reserve. The American loss, in killed and wounded, was about fifty. The enemy lost fifty killed, about as many wounded, and surrendered near five hundred prisoners. Of the Indian force engaged, about one hundred and twenty were killed.

The day after the battle, General Harrison destroyed the Moravian town, and began his march for Detroit, where he negotiated a peace with other Indian tribes; and where Shelby's volunteers and the twelve months' men were all honorably discharged. General Cass was then appointed provisional Governor of Michigan; and having settled the affairs of the territory thus regained, he embarked with the body of his forces for Buffalo, which he reached by the end of October.

Encouraged by their recent success, the plan of the future operations of the army now was to capture Kingston and Montreal, the great places of rendezvous for the enemy's forces, both land and naval. After a difference of opinion between the War Department and the com-

manding General, Wilkinson, as to which of those places should be first attacked, the question was left to a council of war, which selected Montreal.

By the twenty-third of October, the force concentrated at Grenadier Island, near the St. Lawrence, amounted to about eight thousand men, who began their descent of the St. Lawrence. But the enemy, as soon as they suspected the intentions of the Americans, evacuated Fort George, and the whole peninsula of the Niagara, and proceeded to Kingston, to defend that place.

On the first of November, the British appeared at French Creek with a squadron of four large vessels, and a number of boats filled with infantry, and made two successive attacks on the detachment which had arrived, but were both times repulsed. The British finding that Kingston was not the object of attack, proceeded to Prescott, on the St. Lawrence. From this place they embarked fifteen hundred men, who followed the American troops down the St. Lawrence, for the purpose of annoying their rear.

The army under Wilkinson met with many difficulties in descending the St. Lawrence, sometimes from the natural impediments to the navigation, and sometimes from the enemy, who assailed them from their galleys and gunboats, or from batteries erected for the occasion, until a general engagement was brought on at a place called Chrystler's field, on the eleventh of November. The American loss in this action was three hundred and thirty-nine, of whom one hundred and two were killed. The victory was here claimed on both sides.

When General Wilkinson reached Bernhart, on the St. Lawrence, he received a letter from General Hampton, in which he declined the proposed meeting at St. Regis, and informed the Commander-in-chief he should

proceed to Lake Champlain, and thence co-operate in the attack on Montreal. This communication caused Wilkinson to abandon all hopes of a successful attack on Montreal; and he decided, with the sanction of his officers, that the army should quit the Canadian side of the St. Lawrence, and winter at French Mills, on Salmon River, in New York.

Before Wilkinson had collected his forces at Grenadier Island, Hampton, then near Lake Champlain, decided on moving the right division down the Chateaugay. In his march he was several times attacked by the British, and after repelling them, was finally compelled to retreat. This division of the army soon afterwards went into winter quarters, and the command of it was resigned to General Izard.

Early in December it was ascertained that the enemy, with a force of fifteen hundred regulars and seven hundred Indians, were marching on Fort George with the view of drawing the Americans from the Canadian shore. General M'Clure, who then commanded at Fort George, believing the post untenable, decided on destroying the town of Newark and the neighboring batteries, and withdrawing to Fort Niagara; which purpose he put into execution. This destruction of private property, followed as it was by much suffering and exposure in that severe climate, was loudly condemned by the British, and afforded them the pretext for many similar acts afterwards, in retaliation. It suggested the purpose of inflicting a like injury on Buffalo, and other towns; and on such occasions, the power of an enemy is augmented by every new impetus to his will. This purpose, known by rumor, if not suggested as probable, induced General Wilkinson to transfer his head-quarters to Buffalo, and to call forth the whole body of the neighboring militia.

On the nineteenth of December, the enemy, with four hundred men, under Colonel Murray, crossed the Niagara, stormed the fort of that name, and put nearly the whole garrison, of between two and three hundred men, to the sword.<sup>1</sup>

On the same day about seven hundred Indians made an attack on Lewiston, defended by a detachment of militia under Major Bennett, who, after a short resistance, which he found ineffectual, cut his way through the enemy, and with the loss of eight men effected his retreat. This village, and some smaller ones in the neighborhood, were made to share the fate of Newark.

On the thirtieth of December, the British landed six hundred and fifty men at Black Rock, and thence marched to Buffalo, overcoming the resistance offered by the militia: that town was also consigned to the flames. The British soon afterwards evacuated all the posts they had captured, except Fort Niagara, which they strengthened by additional defences, and from it made annoying incursions on the inhabitants, which they justified by the burning of Newark.

At the close of 1813, the tide of fortune of the Americans in war was at its lowest point of depression. In the course of the present year, the capital of Upper Canada had been captured, as had been its stronger post, Fort George, and in succession every post on both sides of the Niagara was occupied by American troops. In the following winter, the British not only regained their own posts on that river, but also those on the American side. The attack on Montreal, which had left the Niagara frontier defenceless, was abandoned, and the boasted conquest of Canada was so far from being effected, that

<sup>1</sup> The British official account says that sixty-five were killed, and fifteen wounded — *all by the bayonet.*

from it the American territory was invaded, and compelled to act on the defensive. The nation was greatly dissatisfied, and suspicion was on the alert to find some hidden cause, when no other was wanting than that of military talent or energy either in the commanders or the military councils of the nation. This truth gradually gained conviction on the public mind, and the voice of the nation was clamorous for a change of leaders, and for a display of that national bravery on land which shone with so much lustre both on the ocean and the lakes, and which cheered and consoled the American people under all the disasters and disappointments they experienced during the war.

This branch of the service had added another to its list of victories, which will now be noticed. The *Hornet*, commanded by Captain Lawrence, in February, captured the British sloop-of-war *Peacock*, Captain Peake, of eighteen guns, besides a shifting carronade, in fifteen minutes after they came into close action. The *Peacock* soon after sunk, carrying down thirteen of her own and three of the *Hornet's* crew. The loss on board the *Hornet* was only one man killed and four wounded (two by the bursting of a gun). The loss of the British was thirty-two wounded; the number of killed could not be ascertained, but five men, including the Captain, were found dead on her deck. The prisoners were treated with all possible humanity and courtesy, and the officers of the *Hornet* divided their clothing with the vanquished. Their officers made a public acknowledgment of the kindness with which they had been treated.

Captain Lawrence was then transferred to the frigate *Chesapeake*, just returned to Boston from a cruise. The English frigate *Shannon*, Captain Brooke, lay off the harbor of that place, for the purpose of engaging the

Chesapeake, for which he made every preparation, being ambitious of restoring to the character of the British navy its former lustre, tarnished as it had been by repeated discomfiture in its encounters with Americans. He even sent a challenge to Captain Lawrence, which, however, he appears not to have received. But regarding the manœuvres of the Shannon off Boston harbor to be a defiance, he on the first of June put to sea, under more than one disadvantage. The crew were almost in a state of mutiny because they had not received their prize-money; they were unacquainted with their new Captain, and the ship was without her full complement of officers, the first Lieutenant being left sick on shore. The engagement began a quarter before six in the evening. By the first broadside of the Shannon, the sailing-master of the Chesapeake was killed, and many of the crew were wounded, as was Captain Lawrence himself, who refused, however, to go below. He then received a second wound, and the fourth Lieutenant, Ballard, and Lieutenant Broom, of the marines, were killed at the same time. The Chesapeake, in aiming to shoot ahead of the Shannon, was so unmanageable in consequence of the injury done to her rigging, that she fell with her quarter foul of the Shannon's anchor, which was thus able to rake the Chesapeake. Lawrence, while calling for his boarders, received a musket-ball through his body, and was then carried below. The Chesapeake was now deprived of all her principal officers, and the command devolved on the third Lieutenant, Budd. While this officer was preparing to board, Captain Brooke threw his marines on the Chesapeake's quarter-deck, heading them himself. Budd then made an effort to get clear of the Shannon, and thus capture Brooke and his men on board the Chesapeake; but his efforts

were not seconded by several of his crew, especially the boatswain; the rest were overpowered, and the enemy gained possession of the upper deck. But some continued their resistance to the last, and several on both sides lost their lives, when all further resistance was hopeless.

The Chesapeake, though rated at thirty-six guns, carried forty-eight. The rate of the Shannon was thirty-eight guns, and she carried forty-nine. She lost in the engagement, besides her first Lieutenant, the Captain's clerk, the purser, and twenty-three seamen killed, and besides her Captain, one midshipman and fifty-six seamen were wounded. On board the Chesapeake, the Captain, first and fourth Lieutenants, lieutenant of marines, the master, three midshipmen, and about forty men were killed; and the second and third Lieutenants, the chaplain, four midshipmen, and about ninety men wounded.<sup>1</sup> Most of the loss was after the Chesapeake was boarded.

Lawrence did not live to know the result of the action. His last dying words were "Don't give up the ship!" which are for ever associated with his memory. They have encouraged, and will continue to encourage, a persevering resistance in circumstances the most desperate, and perhaps on this very occasion contributed to inspire that unyielding spirit which was manifested by the vanquished crew to the last.

The joy which this victory caused in England was never before produced by a success over a ship of about equal force, and was the highest tribute that could be paid to the American navy. Among other public honors bestowed on Captain Brooke, he received the dignity of knighthood from the Prince Regent.

The private armed vessels of the United States continued to show the same reckless daring which they

had manifested the year before; and many were the instances in which they attacked armed vessels of superior force, and compelled them to surrender; but one instance deserves to be singled out from the rest from its extraordinary character. The schooner *Commodore Decatur*, a Charleston privateer, carrying ten guns, engaged the sloop-of-war *Dominica*, of fourteen guns, Lieutenant Barret commander, carried her by boarding, and brought her into port. The *Dominica* had thirteen men killed, and forty-seven wounded. The *Decatur* had four killed, and sixteen wounded. The British vessel had eighty-eight men; the privateer, one hundred and three.

One of the first measures adopted by the British Government was to blockade the principal ports of the United States by means of their numerous ships-of-war, so as to cut off all foreign trade, a privation which would be most severely felt by all classes of our population. Accordingly, early in 1813, naval detachments were constantly arriving to engage in this duty; and thus the Delaware and Chesapeake Bays were closely blockaded, and a great number of small trading vessels and others were captured by the enemy. Their marauding exploits in this way, though sufficiently vexatious to individuals, are unworthy the notice of general history.

Some time afterwards, Admiral Warren, who commanded all the naval forces on the American coast, issued a proclamation from Bermuda, in which he declared that the ports of New York, Charleston, Savannah, the whole River Mississippi, as well as the Chesapeake and Delaware, were in a state of blockade; in spite of which, however, vessels, tempted by the prospect of great gains from the high prices which foreign goods bore in the United States, and American produce bore in other countries, to venture to sea; and if a part

escaped capture, the country was indemnified for the loss of the residue.

On the eighteenth of June, three British frigates entered Hampton Roads, and soon afterwards they made an attempt on Norfolk, defended by fifteen gunboats and a large body of drafted militia, amounting to about ten thousand men. They attempted to land on Craney Island, for which purpose they had provided a large number of barges. On the twenty-second, at dawn, they approached the Island with about four thousand men; and when within a few hundred yards of the shore, they were met by so galling a fire as to make them pause; an eighteen-pounder was aimed with such precision, that many of the barges were cut in two, and the crew were saved only by the active efforts of the other boats. The attempt to land was then abandoned. By way of co-operation, about eight hundred men had landed on the main shore, and were crossing a narrow inlet to the Island. Colonel Beatty, who commanded, with four pieces of ordnance, compelled a part of this force also to retreat. Those who had reached the Island, took possession of a house, from which they fired rockets; but they were soon dislodged by the twenty-four-pounder of a gunboat, and with some difficulty effected their retreat. When the enemy were thus completely repulsed, the sailors in the boats which had been sunk were humanely assisted to the shore. Twenty-two of them surrendered themselves as deserters. The loss of the invaders was more than two hundred, exclusive of forty deserters; and on the side of the assailed, consisting of four hundred and eighty Virginia militia, and one hundred and fifty sailors and marines, not a man was killed or wounded.

The invaders now determined to cut off the communication between Norfolk and the upper country, for

which purpose they made an attack on Hampton, a small town eighteen miles from Norfolk, and on the opposite side of James River, near its junction with the Chesapeake. With a large force—two thousand men—this attack was made three days after the repulse at Craney Island; and notwithstanding a spirited but ineffectual resistance, they obtained possession of the town, without, however, succeeding in capturing or cutting off any of the militia who resisted them. The American loss was seven killed, twelve wounded, eleven missing, and one prisoner; in all, thirty-one. The British loss, as admitted by them, was ninety killed, and one hundred and twenty wounded. Admiral Warren's official letter allows but five killed, thirty-three wounded, and ten missing; in all, forty-eight. The enemy were said to have indulged in every outrage and excess on this occasion. They remained in Hampton two days, when they thought it prudent to return to their ships.

The excesses of the soldiers in Hampton were so great, that General Taylor, the commandant of the District, as instructed, made a special application to Admiral Warren, by one of his aids, to know if these enormities would be avowed by the Government, or the perpetrators punished; remarking that "the world would suppose those acts to have been approved, if not excited, which should be passed over with impunity." To this remonstrance, Admiral Warren replied that he would refer it to Sir Sidney Beckwith, to whose discretion he submitted the necessity of an answer. Sir Sidney not only freely avowed, but justified the excesses complained of, which, he said, were occasioned by a proceeding at Craney Island: that at the recent attack, the troops in a barge, which had been sunk by the guns from the batteries, had been fired on by a party of Americans, who waded out

and shot the poor fellows while clinging to the wreck of the boat; and that, with a feeling natural to such a proceeding, the men of that corps landed at Hampton. He hoped such scenes would not occur again, and that the subject might be left at rest.

General Taylor, however, refused to let it rest. He instituted a court of inquiry of old and unprejudiced officers, and the result of their careful investigation was, that none of the enemy had been fired upon after the wreck of a barge, except a soldier who attempted to escape to the British party on shore; that he was not killed; and that, so far from firing on the rest, the Americans had waded out to their assistance. A copy of their report was sent to Sir Sidney, who, by his silence, admitted that it was unanswerable; and the unpunished excesses at Hampton may one day afford a pretext to a reckless and licentious soldiery to commit similar enormities.

The British force sent to the Chesapeake was employed during the summer in petty marauding expeditions, which, though vexatious and injurious to individuals, had little or no national effect, and reflected no honor on the British arms. They extended their ravages to Ocracoke Inlet in North Carolina, to Newbern and other small towns, so that the name of Cockburn, who commanded the naval force, became a byword of scorn and reproach.

Congress assembled at the usual day in December, and on the seventh the President transmitted to both Houses his opening message.

He begins by informing them that the offer of Russian mediation had not been accepted by Great Britain; and says they are encouraged to a determined assertion of their rights by the success which has attended the Ame-

rican arms on the ocean and on the lakes. He speaks of Perry's victory on Lake Erie as "a victory never surpassed in lustre, however much it may have been in magnitude." On Lake Ontario the caution of the British commander had frustrated the efforts of Captain Chauncey to establish his ascendancy on that Lake. By means of the success on Lake Erie, the commander of the north-western army, General Harrison, had captured the British and dispersed the Indian force.

The plan set on foot against the enemy's possessions on the St. Lawrence, had been defeated by the delays produced by the weather and other circumstances.

The practice of Great Britain in employing Indians had extended to those on the south-west frontier, and the Creeks, who were acquiring habits of civilization, had been seduced by her.

An adequate force had been sent there to extinguish the war before it could spread. The expedition had so far been successful under General Coffee, and by a still more important victory under General Jackson. The employment of Indians he again warmly condemns, but it had compelled the United States to employ the like force, though the examples set by the enemy had not been imitated.

He says the course pursued by Great Britain as to her subjects who have become naturalized citizens of the United States, threatens consequences afflicting to humanity. She naturalizes aliens as well as the United States, yet such of our citizens as were born in her dominions, and whom she had made prisoners, had been sent to England to be tried as criminals. Their protection required that a like number of British prisoners should be put into confinement, with a notifica-

tion that they should experience whatever "violence might be committed on the American prisoners of war."

This measure, instead of arresting the career of cruelty, was followed by ordering double the number of American officers and non-commissioned officers into confinement, with formal notice that in the event of a retaliation for the death inflicted on the prisoners sent to Great Britain, the officers so confined should be put to death also. It was notified, at the same time, that the fleets and armies on the American coasts were to proceed with a destructive severity on our towns and their inhabitants."

That no doubt might be left of our purpose of retaliation, a correspondent number of British officers were put into close confinement, to abide the fate of our own confined by the enemy.

The subjects of negotiation with the French Government remain unchanged.

During the last year, the receipts into the treasury were thirty-seven millions of dollars, of which twenty-four millions were from loans. After meeting all expenses, there remained in the treasury nearly seven millions. Further loans would be required for the coming year.

By the Treasury report of the eighth of January, 1814, the sum required for the year was forty-five millions three hundred and fifty thousand dollars; and as the means were only sixteen millions, twenty-nine millions three hundred and fifty thousand dollars were to be provided for by loans.

To meet the ordinary expenses of the Government, further revenue must be provided to the amount of seven hundred and seventy thousand dollars.<sup>1</sup>

<sup>1</sup> V. Niles, page 324.

He then notices the several repulses of the enemy at Craney Island, at Fort Meigs, at Sackett's Harbor, and Sandusky. On the other hand, the American army had succeeded in reducing York, Forts George, Erie, and Malden, in the recovery of Detroit, and the extinction of the Indian war in the west, and in the occupation of a large portion of Upper Canada.

He concludes with congratulations on the continuance of the health, abundance, and internal tranquillity of the country; he says, that if war has brought its evils, it has lessened others; it has brought also its consolations, and it has rescued us from the still greater evil of national degradation.

One of the first measures which engaged the attention of Congress was that of an embargo, which the President recommended in a confidential message to both Houses, on the ninth of December.<sup>1</sup> The grounds of his recommendations were, that supplies of great importance to Great Britain, and to her neighboring forces, are now obtained from the United States: that British fabrics are introduced into our ports under false disguises: that frauds are practised by ransoming under cover of collusive captures, and by other modes. After some discussion, the bill passed the House by eighty-five votes to fifty-seven,<sup>2</sup> and the Senate by twenty votes to fourteen.<sup>3</sup> It was, with very few exceptions, a party vote on either side in both Houses.

As the principal business of Congress at the present session was to provide the ways and means of carrying on the war, the efforts of the Opposition were directed not so much to show that the measures brought forward by the majority were unnecessary, or extravagant, or ill-

<sup>1</sup> Annals of thirteenth Congress, page 540.

<sup>2</sup> Ibid. page 2053.

<sup>3</sup> Ibid. page 561.

selected, as they were to assail the Administration; and by showing that the war had been made without adequate cause, and conducted without ability, to make the nation impatient of its continuance, and of their present rulers.

The difficulties of the country favored their purpose, and the leaders put all their zeal and talents, which were of no ordinary character, in requisition, to profit by the occasion. Mr. Hanson, the editor whose press was destroyed by the Baltimore mob, began the attack.

He offered two resolutions,<sup>1</sup> which, after he had modified those first introduced, proposed to ask of the President — First. Information relative to the omission or refusal of the French Government to accredit the Minister of the United States (William H. Crawford); and if accredited, of the progress of the negotiation. Second. That a committee be appointed to inquire whether M. Turreau, late Minister from France, did, about June, 1809, write to the Secretary of State, setting forth the conditions upon which his Government would treat of amity and commerce with the United States, urging certain complaints, and requiring certain sacrifices to be made; whether that letter was not withdrawn from the public archives; how and when it was so withdrawn; and that the Committee have power to send for persons and papers.

The first resolution passed without a division; but to the second, Mr. Calhoun made a decided opposition, on the ground that it had no specific object; that it interfered with the proper functions of the Executive; and that the information sought for should be obtained by a direct application to the Executive, but not through a committee.

<sup>1</sup> Annals of thirteenth Congress, page 888.

After a spirited debate on the subject, the second resolution was rejected by one hundred votes to sixty.<sup>1</sup>

Mr. Roberts, of Pennsylvania, then submitted a resolution, calling upon the President to give the information required. To this Mr. Gaston, of North Carolina, offered an amendment, which, reciting M. Turreau's letter at length, proposed to inquire of the President if such a letter was sent, and afterwards withdrawn. This amendment was rejected by ninety-six votes to sixty-five,<sup>2</sup> after which Mr. Roberts's resolution was passed by a similar majority.

When the President gave to the House the information required by the preceding resolutions, it appeared that there had been no failure to accredit Mr. Crawford, in France, as Minister from the United States, except what arose from the absence of the Emperor; and the letter of M. Turreau, as given in Mr. Gaston's amendment to Mr. Hanson's resolution, according to the recollection of the chief clerk, seemed to be genuine; that it was deemed exceptionable; and that Mr. Smith, the Secretary, had directed him not to put it on the files; that it was subsequently withdrawn by a gentleman attached to the legation, to whom it was delivered either by the chief clerk, or Mr. Smith himself. In what way the translation of it got into the public prints, or when or by whom it was taken from the office, he does not know.

Thus this letter, and its withdrawal, which had afforded abundant matter for party discussion in the newspapers, lost their temporary importance.

Mr. Webster, of New Hampshire, in the same spirit, moved that his resolutions, submitted at the preceding

<sup>1</sup> Annals of thirteenth Congress, page 900.

<sup>2</sup> Ibid. page 927.

<sup>3</sup> Ibid. page 947.

session, should be referred to the Committee of the Whole, he deprecating the principle that when the House, the great inquest of the nation, calls for information on specific points, the call is to be answered by an elaborate argument, which is to be conclusive on the judgment of the House and the nation. The motion prevailed without opposition.<sup>1</sup>

In January, the President communicated to Congress, in two messages, the offer of mediation made by the Emperor of Russia through his Minister, Andre de Daschkoff; and a letter from Lord Castlereagh to Mr. Monroe, declining the proposed mediation, but inviting a direct negotiation on the part of the United States for the restoration of peace; together with the answers to each by Mr. Monroe.<sup>2</sup>

The subject of enlistments afforded the next occasion to the Opposition for bitter invective against the war, and its authors. A bill was reported by the Military Committee to encourage enlistments, by a bounty of one hundred dollars to those who would serve five years, twenty-five dollars to be paid at the time of enlistment, twenty-five dollars when the recruit was mustered, and fifty dollars at the time of discharge.

This bill was vigorously assailed by Messrs. Webster, Cyrus King of Massachusetts, Sheffey of Virginia, Miller of New York; and defended by Messrs. Trout of Georgia, Wright of Maryland, Ingersoll of Pennsylvania, Fisk of Vermont. The bill passed the House by ninety-seven votes to fifty-eight.<sup>3</sup>

Another bill, which originated in the Senate, proposed to extend enlistments of men in certain regiments to five years, or during the war.

<sup>1</sup> Annals of thirteenth Congress, page 824.

<sup>2</sup> Ibid. page 2083-7

<sup>3</sup> Ibid. page 979.

This bill was defended by Messrs. Robertson of Louisiana, Grundy, Troup, Calhoun, Ingersoll, M'Lean, and Wright; and opposed by Messrs. Stockton of New Jersey, Shepherd of New York, Grosvenor, Brigham, Bowen, King, and Potter. The bill passed by the large majority of ninety votes to fifteen.<sup>1</sup>

On the nineteenth of January, Mr. Clay resigned the place of Speaker, and in terms at once respectful and affectionate, bade adieu to his associates. He had been recently appointed one of the American Commissioners about to meet at Ghent for the negotiation of peace. Mr. Cheves, of South Carolina, was appointed his successor, by ninety-four votes, against Felix Grundy, who received fifty-nine.<sup>2</sup>

Amidst the din and acrimony of party strife, the attention of the House was unexpectedly called to a question of abstract civil rights. Mr. Robertson, of Louisiana, distinguished for the liberality of his political sentiments, as well as private integrity, offered a resolution for the appointment of a committee to inquire into the expediency of providing by law for the exercise of the right of expatriation.<sup>3</sup>

He deemed the right undeniable; but as the doctrine of perpetual allegiance was maintained by many, and had been, in a late decision, judicially affirmed in the United States, it was important that the question should be definitively settled.

The resolution was supported by Messrs. Fisk of Virginia, Mason, Jackson, and Rhea; but was considered by members of both parties as tending to embarrass

<sup>1</sup> Annals of thirteenth Congress, page 1113.

<sup>2</sup> Ibid. page 1057.

<sup>3</sup> Ibid. page 1095.

<sup>4</sup> The case of Isaac Wilkins, decided before Judge Ellsworth, of Connecticut.

pending negotiations, and the resolution was laid on the table.

On the second of February, a message was received from the President, transmitting a report<sup>1</sup> from the Secretary of War, explaining the causes of the failure of the army of the United States on the northern frontier; and from the great mass of documents and correspondence transmitted, the ill success might be imputed, next to a want of the adequate means in due season, to a want of harmony of views between the War Department and the commanding officer, and between those officers themselves, and more than all, perhaps, to a want of military skill and energy both in the Cabinet and the field.

Commodore Decatur, with the squadron under his command, having been driven into the harbor of New London by a superior British force, had been there closely blockaded. While thus invested, he believed that communications had taken place between some of the inhabitants of New London and the enemy's ships, by means of blue lights, so that they were informed of his movements, and might prevent his escape.

Mr. Law, the member from that district, adverting to the rumors of these *blue lights*, offered a resolution for the appointment of a committee of inquiry, which he thought that justice to all parties urgently demanded. After a brief discussion, in which the inquiry was opposed principally on the ground that it was unimportant, the resolution was laid on the table by eighty-nine votes to forty-two.<sup>2</sup>

Mr. Cyrus King, of Massachusetts, offered a series of resolutions which, like the former, characterize the very great contrariety of feelings and opinions of the majority and the minority.

<sup>1</sup> Annals of thirteenth Congress, page 2353.

<sup>2</sup> Ibid. page 1128.

The first resolution declared that the Representatives of the people of the United States could not, consistently with the provisions of the Constitution, and the nature of our Government, refuse to consider any resolution offered by one of those Representatives.

The second, That the refusal by the majority of the House to consider the resolutions by one of the Representatives of Massachusetts, on the fourteenth of January, 1814, asserting the right of the people and of the respective States to a free State coasting trade, interdicted by an act of Congress, was an infringement of the right of the Representatives, and of the privilege of a member.

The third, That the preceding decision of the majority of the House be rescinded.

And fourth, That by a new rule of the House, every resolution or motion by a member shall be received, read, and disposed of, as the House may judge right.

The question for consideration was decided against each of the three first resolutions by large majorities.<sup>1</sup>

Mr. Goldsborough, on the second of February, presented the remonstrance of the House of Delegates of Maryland against the measures of the Government, and particularly against the existing war. Among other strong party criminations, it declared that the proposed measures of retaliation were to protect British traitors." The proposal to print the memorial was rejected by ninety-two votes to sixty-eight.<sup>2</sup>

But as the loan bill was to furnish the sinews of war, that, more than any other measure of the session, called forth the efforts of the contending parties. Mr. Eppes, as Chairman of the Committee of Ways and Means, having submitted an estimate of the expenditure and revenue of the year, found a deficiency of thirty millions

<sup>1</sup> Annals of thirteenth Congress, page 1156.

<sup>2</sup> Ibid. page 1228.

of dollars, which he proposed to meet by a loan of twenty-five millions, and an issue of treasury-notes for five millions.

In debating this bill, the speakers allowed themselves a wide range of argument,<sup>1</sup> comprehending every thing relative to the war, in its origin or its progress; the errors and failures of those who conducted it, whether in the Cabinet or the field.

The opponents of the bill were Messrs. Bigelow, Pitkin, Sheffey, Culpeper, Hanson, Pearson, Shepherd, Sherwood, Gaston, Grosvenor, Baylies, and Pickering. The bill was sustained by Messrs. Findley, Rhea, Humphreys, Ingersoll, Montgomery, Jackson, Grundy, Bradley, Yancey, Forsyth, Robertson, Cheves, Wright, Calhoun, Lowndes, Eppes, Nelson, and Macon.

On the third of March, the bill was passed by ninety-seven votes to fifty-five;<sup>2</sup> which numbers may be considered to represent the relative strength of parties in the House.

The bill making appropriations for the military establishments afforded another occasion to the minority to attempt to influence public opinion against the war; and Mr. Ward, of Massachusetts, went over the whole ground in an elaborate argument, to show that the war was unjust, impolitic, and made in subserviency to France. He was replied to by Mr. Macon; and the bill, which appropriated more than twenty millions for the

<sup>1</sup> Among the extraneous topics discussed in this protracted debate, may be mentioned the subject of expatriation, again pressed on the notice of the House by Mr. Robertson,<sup>3</sup> and in which he was supported by Mr. Cheves, the Speaker, who argued against the doctrine of perpetual allegiance with his wonted ability.<sup>4</sup>

<sup>2</sup> Annals of thirteenth Congress, page 1798.

<sup>3</sup> Annals of thirteenth Congress, page 1620.

<sup>4</sup> Ibid. page 1638.

military expenses of the year, passed by the decisive majority of eighty-two to thirty-eight.<sup>1</sup>

A bill in favor of the Yazoo claimants having passed the Senate, encountered strong opposition from Mr. Troup,<sup>2</sup> who, in his history of that memorable case of legislative corruption, argued with great force, that the subsequent purchasers had no equitable claim against the United States, as they had purchased with full notice of the defects of the title. After much desultory debate, and attempts to discriminate among the claimants, an amendment was adopted by a small majority, that the committee to whom the bill had been referred report the authority of the agents to compromise the claims; and also the sum of money actually paid by *bona fide* third purchasers; also from which of the original companies the present claimants derive title, and the amount of money withdrawn by any of the original grantees, their agents or assigns.

The committee reported that though the act of the Georgia Legislature which created the Yazoo grants was procured by fraud and corruption, yet the present claimants were *bona fide* purchasers of the immediate grantees, "without notice of any fraud or corruption in the original grant." They think it expedient to compromise these claims, and that the terms of compromise in the bill from the Senate are as effectual and eligible as ought to be required under the circumstances. The authority of the agents is declared sufficient. Full details of the facts are appended to the report.

But notwithstanding this report, the bill was still warmly opposed by the members from Georgia, Mr. Sharp of Kentucky, Mr. Farron of South Carolina, and others. Various amendments and modifications

<sup>1</sup> Annals of thirteenth Congress, page 1830.

<sup>2</sup> Ibid. page 1838.

were proposed and rejected, and on the twenty-sixth of March this vexed question was settled by the passage of the bill. The yeas were eighty-four; the nays, seventy-six.<sup>1</sup>

The policy of aiming to operate on Great Britain by restrictions on her commerce with the United States, though highly favored by the present and the preceding Administration, did not receive the cordial support of their friends; and its pressure on the United States was constantly depriving it of some portion of its popular support. In February it had been found expedient to modify the embargo act so as to permit vessels to leave some ports when necessary to return to other ports where their owners resided, which afforded a facility to the Government to transport military stores. In March, Mr. Wright proposed to suspend it, and Mr. Gaston, soon afterwards, to repeal it. At length Mr. Calhoun, in behalf of the Committee of Foreign Relations, moved its repeal. The avowed motives for this change of policy were that it would greatly increase the revenue; that it now operated as much against the friends of the United States as against their enemies. The bill passed the House by one hundred and fifteen votes to thirty-seven,<sup>2</sup> but having undergone amendment in the Senate, it then passed by a small majority.<sup>3</sup>

A question relative to the power of the Executive, and the construction of the Constitution, occurred in the Senate in the latter part of the session.<sup>4</sup> It was on the following series of resolutions offered by Mr. Gore, of Massachusetts,<sup>5</sup> on the appointment of Messrs. Adams,

<sup>1</sup> Annals of thirteenth Congress, page 1925. For the terms of the compromise, see the act, *ibid.* page 2817.

<sup>2</sup> Annals of thirteenth Congress, page 2001. <sup>3</sup> *Ibid.* page 2014.

<sup>4</sup> March 7th.

<sup>5</sup> Annals of thirteenth Congress, page 651.

Bayard, and Gallatin, and which had afforded matter of disagreement between the President and Senate at the preceding session. These resolutions maintained that, under the power given to the President "to fill up all vacancies that may happen during the recess of the Senate," he can appoint to no office which had not before existed, inasmuch as no vacancy can happen in any office not before full: that, consequently, the appointment of Ministers to negotiate a peace, during the recess of the Senate, was not authorised by the Constitution.

The mover of the resolutions supported them at great length, and he relied, in confirmation of his views, on what he regarded as the settled practice of the Government during Washington's Administration.

On the thirty-first of March, Mr. Bibb defended the course of the Executive, and justified its construction of the Constitution. He denied that the vacancy mentioned in the Constitution required a previous filling; and that an office is as necessarily vacant which has never been filled, as if the vacancy had been created by the death of an incumbent.

Mr. Horsey, of Delaware, maintained the same doctrine. He admitted that, according to the letter of the Constitution, the construction for which he contended was not without its difficulties; but that, according to the intent and policy of the Constitution, it was unquestionable.

They were both replied to by Mr. Gore. The subject was argued with great skill and ability on both sides; and it would seem as if the Senate were not then quite prepared to decide the question, as its further discussion of the resolution was postponed to the first Monday in November.<sup>1</sup>

<sup>1</sup> Annals of thirteenth Congress, page 759.

It may be remarked, that the construction of the Constitution by Mr. Madison has been uniformly adopted by his successors, though not always without opposition.

Among the laws of the session was one passed at the instance of Mr. Seybert, which provided for the collection and preservation of the "flags, standards and colors" captured in war, by requiring the Secretaries of the War and Navy Departments to cause those trophies to be transmitted to them, and then to be preserved and displayed under the direction of the President.

At the close of the session, the President transmitted to the Senate a report from the Secretary of State, in answer to certain resolutions of that body, requesting of the President information concerning the practice of Great Britain relative to her native subjects naturalized in other countries; also, the cases in which any civilized nation has punished her native subjects taken in arms against her, and for which punishment retaliation has been inflicted; also, under what circumstances Great Britain has refused to discharge native citizens of the United States impressed into her service; and, lastly, what has been the conduct of Great Britain relative to American seamen on board her public ships since the commencement of the present war.

This report,<sup>1</sup> most minute and voluminous, answered all the points of inquiry submitted, and showed, by the most satisfactory evidence, that the practice of Great Britain was altogether inconsistent with her doctrine of perpetual allegiance, and that she habitually exercised the power of naturalization which she practically denied to the United States; and it is stated by R. G. Beasley, agent for the United States in London, in an official letter of the twenty-ninth of May, 1813,<sup>2</sup> that, "among

<sup>1</sup> Annals of thirteenth Congress, page 2098.    <sup>2</sup> Ibid. page 2231.

the thousands of impressed men in the British navy who claim to be Americans, I have not heard of one man who has been freely released and permitted to return to his country since the commencement of hostilities."

As to the other objects of inquiry, the report states "that all the nations of Europe naturalize foreigners: that they all employ in their service the subjects of each, and frequently against their native countries, even when not regularly naturalized: that they all allow their subjects to emigrate to foreign countries:

"That although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation."

The practice and policy of retaliation had been brought to the notice of the House by resolutions<sup>1</sup> offered in the early part of the session by Mr. Lovett, but which were then laid on the table, and not afterwards acted on.

An amendment to the Constitution, for an uniform mode of electing the President and Vice-President, by dividing each State into electoral districts, which was proposed by Mr. Pickens, and ably supported both by him and his colleague, Mr. Gaston, was negatived by seventy votes to fifty-seven.<sup>2</sup>

Though this mode of choosing the Magistrate is the fairest for all the States, and best secures to the majority of the people their legitimate right, its adoption has

<sup>1</sup> Annals of thirteenth Congress, page 802.

<sup>2</sup> Ibid. page 797.

always been prevented, because it somewhat impairs the rights of State sovereignty, especially as it might lessen the relative influence of the larger States by dividing it.

The amendments proposed by Mr. Jackson were referred to the Committee of the Whole, as was also an amendment proposed by the Legislature of Tennessee to reduce the term of service of the Senators from six to four years. But none of these proposed changes were afterwards called up.

Among the abortive schemes of the session may be mentioned the proposition to appoint a lieutenant-general, by Mr. Murfree, of North Carolina, who, doubtless, with a large part of the nation, attributed the ill success of the army on the northern frontier to the want of military talent and energy in the commanding officers.

To the list of failures may be added the attempt to establish a Bank of the United States, and to prohibit the exportation of specie, which, originating in a mistaken theory, aimed at what all experience has shown to be impracticable, and what would, if attained, be injurious.

The great business of this session having been to assail or to sustain the war and the Administration, it must be admitted that each party performed its part with an unwonted display of ability as well as zeal. Their wordy warfare terminated on the eighteenth of April, and they adjourned to the first Monday in October,

## CHAPTER XVIII.

### MADISON'S ADMINISTRATION.

#### SECOND TERM.

1814—1815.

DURING the summer of 1814, the frigates *United States* and *Macedonian*, and sloop *Hornet*, under the command of Commodore Decatur, were blockaded in New London by a British seventy-four, two frigates, and several smaller vessels, under Commodore Hardy. The same squadron took possession of Moose Island, in Passamaquoddy Bay. The town of Eastport was then fortified, and continued in the possession of the British until the peace.

They now made an attack on the town of Stonington, in Connecticut, but were repulsed. They continued to bombard it, after they abandoned the hope of capturing it.

By proclamation, they claimed that part of Maine which lies east of the Penobscot, containing thirty thousand inhabitants. From this district, they planned an expedition up the Penobscot River to destroy the frigate *Adams*, and were so far successful, that Captain Morris, unable to defend the vessel, set her on fire, and all but one seaman and one marine effected their escape.<sup>1</sup>

The United States navy sustained another loss during the summer, in the brig *Argus*, of eighteen guns, Captain Allen, which having carried Mr. Crawford to France as Minister, was captured on her return by the British sloop

<sup>1</sup> II. Cooper's *Naval History*, page 125.

Pelican, of twenty-one guns. At the second fire from the Pelican, Captain Allen was severely wounded. After the Argus became unmanageable, she surrendered. She lost six killed, and seventeen wounded, — the Pelican only three killed, and five wounded. Three days afterwards, Captain Allen expired.

This loss was afterwards more than compensated by the capture of the British brig Boxer, Captain Blythe, of fourteen guns, fitted out expressly, it is said, for a combat with the Enterprise, of the same force, Captain Burrows. At the first broadside, Captain Blythe was killed by a cannon-shot; and in a moment after, Captain Burrows fell by a musket-ball. He refused, however, to quit the deck, and received the sword of the Lieutenant of the Boxer. The colors of the Boxer had been nailed to the mast, and consequently her Lieutenant was obliged to hail to say that they had surrendered. Her officers admitted the loss of twenty-five killed, and fourteen wounded. The Enterprise had one killed, and thirteen wounded.

In February, 1814, the frigate President, returning from a cruise, found herself, when off Sandy Hook, near three British men-of-war, one a seventy-four. Believing escape impracticable, the Commander prepared for action. He remained in this situation seven hours, before he was enabled to cross the bar, during which time no disposition was manifested to attack him. By the change of tide, he was then able to proceed to New York. Captain Lloyd excused his conduct by alleging a mutiny on board his ship, for which several of his crew were tried and executed.

In the cruise of the Essex, Captain Porter, which had been separated from the Constitution and Hornet, as we have seen, there was a mixture of good and ill fortune.

He proceeded to the Pacific, and from April to October he captured twelve armed whale-ships, so that, as was observed at the time, his enterprise had the effect of raising the price of oil. Some of these vessels he fitted out as United States cruisers. While at Valparaiso with one of his captured vessels, called the *Essex Junior*, two British ships which had been sent out to capture him, arrived off that port. They were the frigate *Phœbe*, of thirty-eight guns, but carrying fifty-three, Captain Hillyer, and three hundred and twenty men; and the *Cherub* sloop, of eighteen guns, Captain Tucker, with one hundred and eighty men. The *Essex* mounted forty-six guns in all, with two hundred and fifty-five men; and the *Essex Junior* mounted twenty guns, with only sixty men.

Having reason to expect a blockade by the arrival of the British ships, Porter put out to sea. Though willing to engage the *Phœbe*, he deemed it imprudent to encounter both ships, and accordingly endeavored to regain the port, but not being able to reach it, he came to anchor in a small bay not a pistol-shot from the shore. He was attacked by both vessels. To prevent being raked, he put springs on his cables; but they were soon shot away. After standing the fire of those ships until his own was a mere wreck, he endeavored to run his vessel on shore; but the wind shifting, it was found impracticable. His ship was several times on fire, which induced many, by the Captain's advice, to attempt to save themselves by swimming to shore. All further resistance being unavailing, he finally surrendered; at which time only seventy-five men, including officers, were fit for duty. The loss on board of the *Essex* was fifty-eight men killed, sixty-four wounded, and thirty-one missing; in all, one hundred and fifty-four.

In October, 1813, the sloop-of-war *Peacock*, of twenty guns, commanded by Captain Warrington, engaged with the British sloop *Epervier*, of eighteen guns, Captain Wales, and captured her. She had eleven men killed, and four wounded. The *Peacock* had but two men wounded, and no one killed.

The new sloop-of-war, to which the name of *Wasp* was given, of twenty guns, commanded by Captain Blakely, of North Carolina, on the first of May, 1814, captured the British brig *Reindeer*, Captain Manners. The latter made several attempts to board the *Wasp*, but these were always repulsed. Blakely then attempted to board the *Reindeer*, and succeeded. She soon surrendered, with the loss of twenty-five men killed, and forty-two wounded. On board the *Wasp*, the loss was much less — five killed, and twenty-one wounded.

Blakely soon afterwards engaged another brig-of-war, of the same force as the *Reindeer*, which surrendered to him; but he was prevented from taking possession of her by the appearance of another brig-of-war, a little distance astern. While preparing to engage her, two other brigs were also seen approaching. The vessel which had surrendered proved to be the *Avon* sloop-of-war, Captain Arbuthnot, and she sunk immediately after the second brig had taken off her last man. She had nine men killed, and thirty-three wounded. All that has been since known of the *Wasp* is, that after having taken three prizes, two of which she scuttled, and the third arrived in the United States, she was lost at sea.<sup>1</sup>

The short but sanguinary war with the Creek Indians, which began in the latter part of 1813, and was brought to a close in the following spring, should now be noticed. Among the savage tribes within the limits of the United

<sup>1</sup> II. Cooper's *Naval History*, page 129.

States, none were more advanced in civilization than the Creeks. They cultivated the earth, furnished themselves with the coarse products of the loom, and practised some of the simpler handicraft arts. The country they occupied was on the southern border of Tennessee, and comprehended a part of Georgia and Alabama. They were estimated at twenty-five thousand.

Soon after the butchery of the whites at the River Raisin, Tecumseh made a visit to the Creeks, and used all his arts and eloquence to induce them to make war on the whites. With the greater part of the Creeks he was successful. The consequence was that Fort Mims, on the Alabama River, a little above its junction with the Tombigby, was unexpectedly attacked on the last of August, 1813,<sup>1</sup> by a body of Creeks of from four to seven hundred. Having gained admission into the fort, they overpowered the garrison, and setting fire to the buildings, burnt up the women and children who had fled to the upper stories. Of about three hundred persons of all descriptions in the garrison, including one hundred negroes, not more than fifteen or twenty escaped. The garrison at Fort Stoddart, about sixteen miles distant, immediately fled to Mobile: all the neighboring posts took the same course; when the river, from Fort Stoddart to Mobile, was lined with boats aiding men, women and children to escape from the horrors of Indian warfare.

The liveliest sympathy and indignation were excited in the neighboring States; and as early as the twentieth of September, the Legislature of Tennessee authorised the Governor to borrow three hundred thousand dollars, and to call out thirty-five hundred men.<sup>2</sup> The required force was immediately raised, and placed under the command

<sup>1</sup> V. Niles's Register, pages 105-17.

<sup>2</sup> Ibid. page 105.

of General Andrew Jackson, formerly a Senator from Tennessee, and destined to be so conspicuous in the future annals of the United States. Prompt and determined in forming his purposes, energetic and indefatigable in executing them, and judicious in both, no man could be better fitted for the duty now assigned to him. About the first of November he detached General Coffee, with nine hundred cavalry and mounted riflemen, to destroy Tallushatches, a town of the Creeks where a considerable number of them were collected. The savages made a brave resistance, but were killed to a man. One hundred and eighty-six were found on the field. Eighty-four women and children were made prisoners. Coffee had five men killed<sup>1</sup> (two with arrows), and forty-one wounded.

The General himself soon followed up the blow, and on the seventh of November, at Talladega, he routed and almost totally destroyed another body of the Creeks. That any escaped, he imputed to some mistake or misconduct of a part of the militia in the onset. As it was, two hundred and ninety of the Creeks were left dead, and many were presumed to be killed who were not found. Jackson had fifteen killed, and fifteen wounded.<sup>2</sup>

Another detachment from East Tennessee, under General Cocke, on the eighteenth of November attacked a body of three hundred and sixteen Creeks, men, women and children, at the Hillabee Town, of whom sixty were killed, and the rest made prisoners.<sup>3</sup> The whites, by the advantage of their superior numbers, and of surprising the Indians, lost not a man.

On the twenty-ninth, General Floyd, at the head of the force from Georgia, attacked the Creeks at Autossee,

<sup>1</sup> V. Niles's Register, page 218 — Coffee's official despatch.

<sup>2</sup> Ibid. page 267.

<sup>3</sup> Ibid. page 282.

their principal town, where they were supposed to have lost, in killed alone, two hundred men. Floyd's own loss was eleven killed, and fifty-four wounded. He consigned their four hundred houses to the flames.

The force from the Mississippi Territory, under General Claiborne, came in for a small share in this war of extermination. Late in December, he attacked a party of the Creeks, killed thirty, and the next day destroyed sixty houses. In all these actions, the whites were aided by friendly Creeks, Cherokees, and Choctaws.

In January, General Jackson, while on a march with the view of making a diversion in favor of General Floyd, met with an unwonted check from the Creeks. Their force was about nine hundred, and his was the same, exclusive of the friendly Indians, amounting to several hundreds. He was attacked by the Indians on the twenty-first, twenty-second and twenty-fourth; and though they were always repulsed, and pursued two or three miles, yet they showed their wonted bravery in the onset, and met with more than their wonted success. In the last and best contested of these engagements, a part of Jackson's force precipitately fled; for which "shameful retreat," the officers incurred his severest censure.<sup>1</sup> But for a piece of artillery which Jackson had, the fortune of the day might have been changed. In the three actions, Jackson's loss was twenty-four killed, and seventy-one wounded. Of the Creeks, one hundred and eighty-nine were found dead; the number of their wounded was unknown.

On the twenty-seventh of January, the Creeks repulsed by Jackson attacked General Floyd. They were eventually put to flight after a severe conflict, in which the

<sup>1</sup> V. Niles's Register, page 428.

Georgians had seventeen killed, and one hundred and thirty-two wounded.

But the decisive battle was fought on the twenty-seventh of March. At the bend in the Talipoosa, called by the whites the Horse-shoe, Jackson found the Creek warriors from the neighboring towns judiciously posted at the town of Tohopiska, on the neck of the peninsula, with a strong and compact breastwork. He attacked them the next day, and after a desperate conflict, got possession of their works, and obtained a complete victory. Five hundred and fifty-seven were found dead in the field, and their loss was estimated at eight hundred. That of the victors was twenty-six whites killed, and one hundred and seven wounded; eighteen Cherokees killed, and thirty-six wounded; five friendly Creeks killed, and eleven wounded. Detachments had been also sent from the States of North and South Carolina, but they were too late to take a part in the actions with the Creeks.

They never resisted after this last defeat, but gradually submitted to the authority of the United States, and finally made a treaty according to the terms dictated by General Jackson, who, like the leaders of the other forces against the Creeks, was under the command of Major-general Thomas Pinckney, but was now promoted to the rank of Major-general in the army of the United States, after General Harrison's resignation.

By the terms of the treaty, the larger part of the Creek territory was ceded to the United States. To each friendly Creek is reserved a mile square, as long as he chooses to occupy it, after which it passed to the United States. The Creeks stipulate to have no intercourse with any British or Spanish post, or to admit any foreign agent or trader. They are required to surrender all prophets

and instigators of the war, whether foreigners or natives. The Creek nation being reduced to extreme want, the United States engaged to furnish them with the necessaries of life until the crops of corn would be competent to their supply.

This *capitulation*, as it was properly called, was signed by thirty-six chiefs, in behalf of the Creeks; and on the part of the victors by Andrew Jackson, Robert Butler, Benjamin Hawkins, and Return Jonathan Meigs.

The force under General Wilkinson had orders to break up their encampment and march to Plattsburg. After he reached that place, there was occasional skirmishing, and attacks of posts on both sides; but nothing decisive was effected by either before May. Early in that month, the British flotilla entered Lake Champlain.

Both nations prepared to dispute the ascendancy on Lake Ontario, in the spring. At Kingston, the British were building a very large ship; and at Sackett's Harbor, the Americans ordered one of sufficient size to maintain at least an equality with the enemy. The British made an attempt secretly to blow up this ship; but, failing in that, they then proposed to intercept her rigging and guns, which were at Oswego, sixty miles from Sackett's Harbor. A large force was accordingly sent thither, but was, after a sharp contest, repulsed. In a second attempt, they were more successful; the Americans, overpowered by a force near ten times their number, retreated to the falls of the river, thirteen miles off, where the stores were deposited. In this capture, the enemy lost seventy men; in wounded, drowned and missing one hundred and sixty-five. The Americans, in killed and wounded, lost sixty-nine men. The equipments intended for the new ship, the *Superior*, reached Sackett's

Harbor over-land, and she was soon fitted for active service.

Among many petty enterprises in the neighborhood of Lake Ontario, Major Apling succeeded in capturing one hundred and eighty-five men intended for the naval service, including two post-captains, four lieutenants of the navy, and two lieutenants of marines, which was an important loss to the enemy. Their naval force was compelled to remain at Kingston until the places of the captured were supplied, and the large vessel then on the stocks there, intended to mount one hundred and twelve guns, was added to their squadron. Commodore Chauncey frequently stationed himself before Kingston harbor, in hopes of meeting Sir James Yeo, who had hitherto so successfully manœuvred to avoid an engagement.

The rest of the summer was passed in unimportant expeditions; but it having been decided that a strenuous effort should be made to regain the ground that had been lost in Canada, a large force was concentrated at Black Rock and Buffalo, in April, May and June. Their first attempt was on Fort Erie, garrisoned by one hundred and seventy officers and two regiments. The assailants were under the command of General Brown, now a Major-general, with two brigades, commanded by General Scott and General Ripley. Scott crossed the river about a mile below Fort Erie, and Ripley about the same distance above. From these two points the fort was rapidly approached by the regulars, while a party of Indians were posted in a wood in its rear. After the discharge of a few guns from the fort, it surrendered, and the prisoners were sent into the interior of New York. They thence proceeded to Chippewa, where General Riall commanded some of the best disciplined veterans of the British army. Before the main bodies of the

respective armies met, there was sharp skirmishing between their pickets, in which Captain Towson, of the artillery, and Captain Crooker, of the ninth infantry, particularly distinguished themselves; the latter cut through a superior force of cavalry, effecting a retreat to a house, whence he soon compelled the retreat of the horse.

The next morning the enemy commenced the attack on the pickets, which, intermitted a while, was renewed with fresh vigor after mid-day. The action now became general, and after much manœuvring, skill and bravery on both sides, the British began to give way, and they finally ordered a retreat, which was effected with such celerity, and so great was the strength of their works, that General Brown did not attempt a pursuit. The loss in a field so well contested was great on both sides: that of the Americans, in killed, wounded and missing, was three hundred and twenty-eight, of whom sixty were killed. The loss of the British was three hundred and eight, according to General Brown's report; but by Lieutenant-general Drummond's returns, there were one hundred and eighty-nine killed, three hundred and twenty wounded, and forty-six missing; making a total of five hundred and fifty-five.

It afforded lively pleasure to the American people to have this proof of the improved character of the army, that they were able to stand against, and even to gain the victory over the best troops of Europe; and flattering testimonials of approbation were in particular bestowed on Generals Scott and Porter, and a very general promotion by brevet took place.

After General Riall's defeat, he received a reinforcement of the King's regiment from York: but he found it necessary to continue his retreat to Ten Mile Creek.

The American army was then encamped at Queens-town. General Swift, being sent on a reconnoitring party from this place to Fort George, was shot by a corporal after he and his party had surrendered. Before he expired, he was able, on the instant, to shoot down the assassin.

On the twentieth of July, General Brown moved with his whole force upon Fort George; but, disappointed in the co-operation of the fleet, in consequence of the severe illness of Commodore Chauncey, he returned to Queens-town, and thence decided to march against Burlington Heights, where the enemy had concentrated his force.

Lieutenant-general Drummond, anxious to wipe off the tarnish on the British arms from Riall's defeat, augmented his force, and determined on offering battle. Advanced bodies of both armies, under General Scott on one side, and Lieutenant-colonel Leavenworth, met near Lundy's Lane, where the British were strongly posted on an eminence. The action which then ensued, continued upwards of an hour, with a great superiority of force on the part of the British. General Brown, apprised of the engagement by the report of the artillery, hastened to the aid of Scott, and arrived during the hottest of the conflict, when General Scott had ordered the ninth regiment, though it had lost nearly half its men, to maintain its ground until a reinforcement from Chipewewa should arrive.

Immediately after the arrival of the reinforcement under General Ripley, there was a pause in the battle on both sides, as if by mutual consent; but both sides being reinforced, the engagement was renewed with fresh vigor.

General Drummond, who now commanded in person, determined on concentrating his force, and attacking

Scott's brigade, and ordered up General Riall with the reserve. This General was, however, fortunately made a prisoner by Captain Ketchum; and thus the junction which Scott could not have resisted, was prevented.

While General Scott's brigade was assailed by a galling fire from General Drummond's infantry and artillery united, General Ripley, by way of affording him relief, proposed, on his own responsibility, to Colonel Miller, to storm the enemy's battery with the twenty-first regiment, while he would support him by charging the British flank with the twenty-third. Colonel Miller, knowing the desperate character of the duty, replied, "I'll try, sir!" which words, after his success, as a memorial of his services, were by order put on the buttons of his regiment. While they were preparing to execute their purpose, Ripley sent to inform General Brown of what he had done, and readily obtained his sanction. The charge was made in brilliant style. Colonel Miller steadily advanced up the eminence, whence the British artillery and musketry were pouring a destructive fire, and when they had reached within a few paces of the enemy's artillery, they impetuously charged on the men at the guns, and after a brief contest, carried the whole battery, with the loss of several officers of distinguished merit. The advance on the infantry by General Ripley pierced the enemy's line at the same instant as the twenty-first. The British foot and artillery now retreated, and their own cannon were turned against them.

General Drummond being strongly reinforced, attempted to retake his artillery. His whole division approached within twenty paces of the summit of the eminence, when they were met by a galling fire, which caused a momentary check; but they soon rallied, and renewed a contest

which was the severest of the day. The assailants were at length effectually checked, and compelled to retreat. After a while, General Drummond advanced to a second charge. He was received by Ripley with firmness, and his men were able to fire with great precision by the light afforded by the enemy's discharges of musketry. The result was, that the enemy again retreated. Scott's brigade was then brought up and ordered to charge; but it could not prevail against a double line of infantry. The column was then ordered to change its front, and was a second time led to the charge, but this also failed, soon after which General Scott had his shoulder fractured by a musket-ball, and was compelled to leave the field.

The British General having received a further reinforcement, made a third attempt to recover his artillery. They advanced with the same steadiness as before, and were met with the same firmness; but they did not fall back from the fire of the Americans, as they had previously done. In the conflict which ensued, all the efforts of the American officers were put in requisition to keep their men firm to their posts. The British again recoiled, and were again led on by their officers, until at length, by these alternate advances and repulses, the lines of the two parties were entirely commingled, and the close and personal contests produced a degree of confusion which the coolness of the commanding General could not prevent. At length the enemy's wings began to fall back, and the centre then following their example, the whole line fled a third time, in spite of the exertions of their officers. General Drummond seeing that his efforts were hopeless, abandoned the attempt, and withdrew, leaving the field covered with the dead and wounded of both armies. At the last charge, General Brown was wounded; and on receiving a second wound, was compelled to leave the

field, when the command devolved on General Ripley. About one o'clock in the morning, after having collected the dead and wounded, the American forces returned to the camp, but had no means of taking the captured cannon with them. In this engagement, as in that at Sackett's Harbor, both claimed the victory. But as, with a much larger force, the British were driven from the advantageous post they had selected and fortified, with the loss of their cannon, and after having been thrice repulsed in their efforts to retake their artillery, to withdraw from the field, it seems to be an abuse of terms to call it a victory. The loss on both sides was very great. Of the enemy, there were seventy-seven killed, and five hundred and fifty-nine wounded, and the prisoners and missing were two hundred and thirty-five; in all, eight hundred and sixty-three. In the American army, there were one hundred and sixty-one killed, five hundred and seventy-five wounded, and one hundred and ten missing; in all, eight hundred and forty-six. The next day, General Ripley, with his troops, now amounting to fifteen hundred and sixty, unwilling to engage a force more than double his own, with resources that he did not possess, thought it prudent to retreat to Fort Erie, and there prepare for the attack that he anticipated.

The attack was accordingly begun early in August by a detachment under Lieutenant-colonel Tucker, who crossed the Niagara about a mile below the fort, but was met by so destructive a fire from Colonel Morgan, that he was obliged to fall back. Reinforced there, he attempted to outflank his antagonist, and an engagement then taking place, he again fell back to the main body of the British; on which he abandoned his purpose.

By the seventh of August, the defences of the fort were nearly completed. Four batteries had been added

to the former fortifications. The dragoons, infantry, riflemen, and volunteers were posted between the western ramparts and the river, and the artillery within the fort. For the first three or four days, the only operations on either side were a distant cannonade, and skirmishes between reconnoitring parties, or attacks on pickets. But on the morning of the fifteenth, the fort was assailed by three columns at three different points, and the cavalry was to co-operate by a detour through the woods.

General Gaines, who now commanded the American forces, not knowing the purposed points of attack, made the best preparation he could to resist it, where ever it might be. On the evening of the fourteenth, a few hours before the assault, a small magazine within the American works exploded, but without any serious consequences.

At half-past two in the morning, in a very dark night, the assault was commenced on the right by Lieutenant-colonel Tucker, with a column of thirteen hundred men. He was permitted to approach close to the works, when a fire from two regiments and the artillery threw his column into confusion, and compelled it to retire. The attack was soon renewed, but his scaling-ladders, sixteen feet long, were of no use against a battery twenty-three feet high, and his second attempt also failed. His next effort was by wading in the lake breast-deep, where the works were open; but here too he was unsuccessful, and had nearly two hundred men killed or drowned. He then ordered a retreat.

The attack from the left and the centre, of seven and eight hundred, was reserved until Colonel Fischer was closely engaged. The left column recoiled from the fire of the cannon and musketry. But the centre column, through the same discharges of artillery, succeeded in ascending the parapet by scaling-ladders, and called out

to the infantry to stop their fire, which they, believing the order to come from their own garrison, at first obeyed. The left column, recovering from its confusion, was again led to the charge, but was again repulsed, with the loss of its commander and one-third of its men. Meanwhile, the enemy's centre column were with difficulty driven back, and the troops within the fort were reinforced from Ripley's brigade and Porter's volunteers. The centre column renewed its attack a second and a third time, but was each time repulsed with increased loss. After the third repulse of the centre column, Lieutenant-colonel Drummond, unseen in the darkness, moved his troops round the ditch, and gained possession of the parapet before he was seriously opposed. He ordered his men to charge with their pikes and bayonets, and "to show no quarter to the Yankees." The order was rapidly executed, and no efforts of Major Hindman, of Major Trimble, or the riflemen of Captain Birdsall, could dislodge the assailants from the bastion, though the fire of the Americans prevented their further advance. Immediately after Drummond had shot Lieutenant M'Donough, who was wounded, and asking for quarters, he himself was shot through the breast.

The loss of their commander did not lessen the impetuosity of the assailants, and the contest between them and the troops in the garrison continued until morning. It was then renewed with unabated vigor, and charges were repeatedly made by Captain Foster and Major Hall, and were invariably repulsed; but the enemy continuing to lose men by these repeated charges, and by an unremitting fire both from the musketry and the artillery from a demi-bastion, began to give way on the left: this being observed, reinforcements were brought up from the left flank of the Americans, and many of the

enemy were thrown over the bastion. When four or five hundred of the reserve, under Colonel Tucker, were about to rush upon the parapet to the aid of those giving way, an explosion took place, which carried away the bastion and all who were on it. The enemy's reserve immediately fell back, and the assailants returned with their shattered columns to their encampment.

When they retreated, according to General Gaines, the British left upon the field two hundred and twenty-two killed (among whom were fourteen officers of distinction), one hundred and seventy-four wounded, and one hundred and eighty-six prisoners; making a total of five hundred and eighty-two. General Drummond makes the aggregate loss much greater, viz.: fifty-seven killed, three hundred and nine wounded, and five hundred and thirty-nine missing; in all, nine hundred and five. The Americans lost seventeen killed, fifty-six wounded, and eleven prisoners; in all, eighty-four men.

In consequence of his heavy loss in this attack, the enemy's force now little exceeded the number within the garrison. He therefore did not think proper to renew the attack until he was reinforced. The expected reinforcement was received in a few days, and having enlarged his batteries, he again assailed the fort by hot shot, shells, and other missiles, during the remainder of the month. By one of his shells, General Gaines was wounded, and so disabled, that he withdrew to Buffalo, leaving the command of the fort to General Ripley.

In all these contests—at Chippewa, Niagara, and Fort Erie—it was manifest that the Americans, in coolness, courage, and skill, were at least equal to their more experienced adversaries.

While these operations were carried on by the British on the Niagara frontier, Sir George Prevost, the Gover-

nor-general, planned an invasion from Lower Canada, and an attack of the right division of the American army, then near Plattsburg, under the command of General Izard.

This officer had been previously ordered to reinforce the left division, under General Brown. He accordingly marched for Sackett's Harbor with three thousand men, having left fifteen hundred men under Brigadier-general Macomb, together with some volunteer companies.

Troops had been stealthily arriving at Quebec from England; and before the first of September, Sir George Prevost had fourteen thousand men opposite Montreal. He first occupied the village of Champlain, whence he, by proclamation, invited American citizens to his standard; and thence continued to draw nearer to Plattsburg, till the sixth, when he made a rapid advance in two columns by two different roads. At a bridge intersecting one of them — the Lake road — General Macomb had stationed two hundred men, to place obstructions in the road. The column on the other road — the Bechmantown — was met by seven hundred militia, under General Moers, most of whom, after a slight skirmish, fled in disorder. The planks of the bridge were, however, removed by the regulars, who remained at their post. Thus both the enemy's columns were seriously impeded in their march, and in attempting to ford the Saranac, they received a destructive fire from the gunboats and galleys anchored in front of Plattsburg. But after they had crossed the Saranac, nothing could have prevented the entire capture of the force under Macomb, if Prevost had pushed on with his whole force, instead of wasting five days in throwing up breastworks for his approaches. This interval the American General diligently improved to strengthen his defences; and he was reinforced

by the militia of New York, and volunteers from Vermont, while the main body of the British army was approaching.

It soon appeared that it was the enemy's object to wait for the co-operation of the naval force, not doubting that, by a combined attack, they would succeed in capturing both the fleet and the army of the Americans.

On the eleventh of August, their fleet on Lake Champlain, under Captain Downie, made its appearance before Plattsburg Bay, where Commodore M'Donough's fleet was at anchor. Downie's force consisted of the frigate *Confiance*, of thirty-two guns; the brig *Linnet*, of sixteen; the sloops *Cherub* and *Finch* (formerly the *Growler* and *Eagle*), of eleven guns each; and thirteen gunboats and row-galleys; mounting, in all, ninety-five guns, and having a complement of ten hundred and fifty men.

The American flotilla consisted of the ship *Saratoga*, of twenty-six guns; the brig *Eagle*, of twenty guns; the schooner *Ticonderoga*, of seventeen guns; the sloop *Preble*, of seven guns; and ten gunboats; mounting, altogether, eighty-six guns, and manned with eight hundred and fifty men.

As soon as the first gun was discharged from the *Confiance*, Sir George Prevost opened his batteries upon the works on the opposite bank of the Saranac. A brisk cannonade ensued, which continued throughout the day, and frequent attempts were made by his men to ford the river, but without success. Their attempt to cross at a bridge a mile up the river was also repulsed. They, however, succeeded in crossing at a ford three miles from the works, but with great loss, both in killed and prisoners. They were closely pressed by the volunteers, and falling back on another column then in the river,

the two were thrown into confusion, and a large portion of them were killed in the stream.

Meanwhile, the two fleets were closely engaged. Captain Downie anchored his squadron within three hundred yards of the line formed by Commodore M'Donough, and placed the *Confiance* opposite to the *Saratoga*, the *Linnet* to the *Eagle*, one of his sloops and all his galleys to the schooner *Ticonderoga* and the sloop *Preble*, the other sloop assisting the *Saratoga* and *Linnet* alternately. Soon after ten o'clock, nearly all the starboard guns of the *Saratoga* being unmanageable, the Commodore was obliged to put out a stern anchor, and to cut the bower cable, by which means his larboard side was brought to bear on the *Confiance*, which immediately afterwards surrendered, with one hundred and five round-shot in her hull, her captain and forty-nine men killed, and sixty wounded. The *Saratoga* had fifty-five round-shot in her hull, and had been twice on fire by hot shot from the *Confiance*. She lost twenty-eight men killed, and twenty-nine wounded. The brig struck in fifteen minutes after the *Confiance*. The two sloops were also captured. Three of the row-galleys were sunk, and the rest effected their escape. The total loss in M'Donough's squadron was fifty-two killed, and fifty-eight wounded. The enemy's loss was eighty-four killed, one hundred and ten wounded, and eight hundred and thirty-six prisoners.

As soon as Sir George Prevost heard of the capture of the fleet, he withdrew his forces from the assault of the American works; but he kept up an incessant fire on them from his batteries until evening, when he retired into the town, and at midnight made a precipitate and not very creditable retreat, as he left behind him all his sick and wounded. As soon as their retreat was known, they were pursued, but were not overtaken. An immense

amount of warlike stores, provisions, tools, and other articles were captured; and above four hundred surrendered themselves during the day. It was supposed that his loss, in killed, wounded, and prisoners, was about fifteen hundred men. The loss of the American army, numbering twenty-five hundred men, including the militia and volunteers, amounted to thirty-seven killed, sixty-two wounded, and twenty missing.

During the operations on Lake Champlain, the siege of Fort Erie was still continued, and the garrison still active in strengthening their defences. General Brown had now resumed the command. About the middle of September, an attempt was made to dislodge the enemy from his entrenchments, and a sortie took place on the seventeenth. The enemy's batteries, numbers three and four, were stormed and carried. Colonel Wilson and Lieutenant-colonel Wood fell at the head of their columns, and their respective commands devolved on Lieutenant-colonel McDonald and Major Brooks. A block-house was also carried, and its garrison made prisoners. Then their entrenchments were also carried. Brigadier-general Davis of the New York militia fell at the head of his corps. At the battery number one, of much greater strength, the enemy made a more obstinate defence; but that was finally stormed and carried. While General Ripley was engaged in spiking the enemy's guns, and demolishing his works, he fell dangerously wounded. The object of the sortie having been effected, General Miller retired with his troops. Three days afterwards, Lieutenant-general Drummond broke up his encampment, and hastily withdrew to Fort George. Besides the loss of nearly all his cannon, his force had been diminished by one thousand men, eleven of his officers, and three hundred and seventy-four rank and file had been made prisoners;

yet in his official despatch he spoke of his repulsing an army of five thousand men by an inconsiderable number of British troops.

General Brown's army lost ten officers and seventy men killed, twenty-four officers and one hundred and ninety men wounded, and ten officers and two hundred and six men missing; in all, five hundred and ten.

Soon after the enemy had raised the siege of Fort Erie, General Izard, who superseded General Brown in the command of the army, arrived. By that accession, and the completion of the defences, the fort was impregnable, except to a very great disparity of force. After the destruction of the provisions deposited on Lyon's Creek, in the performance of which duty they had a sharp conflict with the enemy, Fort Erie was demolished, and the whole army taken across the Niagara, and put into winter quarters at Buffalo, Black Rock, and Batavia. The volunteers were discharged.

An expedition was now planned, to be carried on by Commodore Sinclair and Colonel Croghan, to recapture Fort Mackinaw; but after effecting a landing, the assailants were repulsed with the loss of Major Holmes. The loss of the detachment was sixty-six killed, wounded and missing. Two of the schooners employed in this expedition, the Tigress and Scorpion, which had been stationed to cut off supplies from the garrison at Mackinaw, were attacked by an overpowering force, and captured.

Let us now turn to the operations of war nearer home. By way of affording some protection to the ports on the Chesapeake, then open to the attacks of the British naval force on that Bay, a flotilla, consisting of a cutter, two gunboats, a galley, and nine large barges, had been placed under the command of Commodore Barney, of

Baltimore. He had several rencontres with the smaller vessels employed by the enemy in the Patuxent, in which his bravery, activity and skill met with signal success.

After the cessation of hostilities in Europe which followed the Battle of Waterloo in June, the British army and navy in America received large reinforcements, and during the summer, Admiral Cochrane, with thirty sail, having on board several thousand men under Major-general Ross, arrived in the Chesapeake, for the purpose of attacking the towns on its waters, and especially Washington and Baltimore.

Admiral Cochrane, on the eighteenth of August, addressed a note to Mr. Monroe, Secretary of State, in which he said that he was ordered, by the Governor-general of the Canadas, to retaliate "the wanton destruction" committed by the army of the United States in Upper Canada, by destroying and laying waste such towns and districts on the coast as should be found assailable; adding that he should be gratified to stay such proceedings, on reparation being made to the Canadian sufferers.

Mr. Monroe replied on the sixth of September. He expressed his surprise that Cochrane's intended course, so contrary to the usages of civilized warfare, should be justified on the plea of retaliation. He insists that those deviations from modern modes of warfare were against the wishes of the United States, and were begun by the British. The burning of Newark was deemed necessary by the American officer commanding, because the town adjoined the fort; and the act was disavowed by the Government. The American Government would always be ready to enter into arrangements for the reciprocal compensation of injuries; and he presumes that no

arrangement but what was reciprocal would be expected.

Though Cochrane's letter was dated the eighteenth of August, it did not reach Washington until the thirtieth,<sup>1</sup> before which time the enemy had entered the city.

Admiral Cochrane had in the Patuxent twenty-seven square-rigged vessels, with which he proceeded to Benedict, the head of navigation for large ships, and landed six thousand regulars, seamen and marines. Barney's flotilla was, agreeably to orders, blown up by him, and he and his sailors joined the American troops under General Winder. The enemy then marched on to Washington by the way of Marlborough and Bladensburg. Winder was then at the Woodyard, twelve miles south of Washington, with about three thousand men, including seamen and marines.

On the evening of the twenty-fourth, Ross bivouacked within a few miles of the Old Fields. At twilight, Winder marched from the Battalion Old Fields, crossed the eastern branch of the Potomac above the navy-yard, and encamped near the bridge. Early the next morning, the enemy resumed his march, and reached Bladensburg, about six miles from Washington, without loss or resistance. Here General Stansbury had taken an advantageous position, and General Winder interposed his whole force. At one o'clock the action commenced. Two companies of Baltimore artillery, with Major Pinkney's riflemen, attempted to defend the passage of the bridge, but were soon compelled to retreat; on which Stansbury's brigade gave way, and in a few minutes he was almost entirely deserted by his men. The fifth Baltimore regiment, under Colonel Stuart, at first maintained its ground, but was then ordered to retreat. The reserve, under

<sup>1</sup> Six days after the capture of Washington.

Brigadier-general Smith, with Commodore Barney and Lieutenant-colonel Beall on their right, still remained on the hill, and maintained the fight. But the British continued to advance, when Barney's corps opened their eighteen-pounders, which created disorder in their column, and checked their further advance. Two other attempts to pass the battery were also repulsed, when Ross marched a division of his troops into an open field for the purpose of flanking the Commodore's right. This attempt was also frustrated by Captain Miller, of the marines, and three twelve-pounders. But in the course of an hour Ross succeeded in outflanking the battery to the right, and threatened also to turn Barney's left. Thus surrounded, and having but an insignificant force compared with his adversary, and wounded withal, he gave orders for a retreat, but exhausted by the loss of blood he fell, and was made prisoner by the British, who, admiring his gallant resistance, put him on his parole, and removing him to their hospital at Bladensburg, ordered every attention to be paid him. After the obstacle presented by these brave seamen was removed, the enemy met with no further resistance, and soon took possession of the capital, though so exhausted by the very great heat of the weather, that it was supposed they might have been captured by a very inferior force.

Their object being to bring disgrace on the American metropolis, and to acquire eclat in Europe, by even a brief possession of it, they lost no time in fulfilling their purpose, by setting fire to the capitol and other public buildings. The navy-yard, and a frigate on the stocks, were destroyed by those who had charge of them. The patent-office would have shared the same fate, but for the intercession of the superintendent, Dr. Thornton. As soon as their destination was known to be Washington,

the public archives, the specie in the banks, the flags and other trophies of the American arms, had been withdrawn to places of safety; and the President and other members of the Cabinet thought it prudent to withdraw the day before.

The forces under General Winder had also retreated to Montgomery Court-house; and thus an enterprise of excessive rashness had succeeded beyond all appearance of probability, and which owed its success, in a great measure, to the fact that no one supposed it would be attempted. Had the ordinary precautions of collecting some thousands of volunteers on the spot, which there was time enough to have done long after the enemy entered the Chesapeake — had a few such companies as Barney's been on the ground to dispute their further advance — or had Winder's men posted themselves in the capitol, and other buildings, from which they could safely have attacked the invaders, then this disgrace had never occurred, and which, after all, consisted less in the capture of the seat of government than in the feebleness with which it had been defended.

The mortification of the American people caused by this affair was extreme; but it evoked the spirit to wipe out the reproach, and produced a degree of unanimity that had not before been manifested. Loud were also the clamors against the Cabinet, and especially against General Armstrong, the Secretary of War, who found it necessary to defend himself in a pamphlet, and who attributed the success of an expedition which nothing but success could justify, to the general panic which seized the troops summoned for the protection of Washington, when, as he says, every thing was forgotten in the love of life. The public discontent was not to be so appeased, and he indeed seems to have been very culpa-

ble in supposing that invasion would not be attempted, because it ought not to have been. He was compelled to resign, and Mr. Monroe was appointed for a while to discharge the duties of Secretary of War, as well as those of the State Department.

At the same time that Washington was captured, a fleet ascended the Potomac to make an attack on Alexandria. The enemy's squadron consisted of eight vessels, carrying one hundred and seventy-three guns, and commanded by Captain Gordon. Before they reached Fort Warburton, on the Potomac, the commander of the fort destroyed it, and withdrew the garrison, so that the squadron met with no obstacle or annoyance. The town readily capitulated on terms, by which the dwellings of the inhabitants were to be unmolested; but they were to deliver up all naval and ordnance stores, public or private, and all the merchandize, whether in the town or removed from it since the nineteenth of the month, which should be put on board the shipping at the expense of the owner; and that all vessels which had been sunk on the approach of the enemy should be raised by the merchants, and delivered up, with all their apparatus.

On the sixth of September, Captain Gordon descended the Potomac with his booty. He was assailed from two batteries hastily erected on the banks of the Potomac, but without any serious damage.

The loss sustained by the enemy in the capture of Washington, from the action at Bladensburg, prisoners and deserters, was estimated at one thousand men; and Admiral Cochrane now prepared to make an incursion on Baltimore.

In an attack on a party of Maryland volunteers, amounting to one hundred and seventy men, by Sir Peter

Parker, who landed from the *Menelaus* frigate with two hundred and thirty men. He was repulsed, and received a wound of which he soon after died.<sup>1</sup>

The fleet threatening Baltimore consisted of about forty vessels, the heaviest of which anchored across the channel, and landed the troops at North Point, twelve miles from Baltimore. On the morning of the twelfth of September, about eight thousand soldiers, sailors and marines were ready for marching, and sixteen bomb-vessels proceeded up the Patapsco, and anchored within two and a half miles of Fort M'Henry, then commanded by Lieutenant-colonel Armistead, of the artillery. The defences of the city consisted of this fortification, a battery at the Lazaretto under Lieutenant Rutter, a small work called Fort Covington, a six-gun battery under Lieutenant Stueber, and lines of entrenchments hastily thrown up. There were one thousand men in the forts and batteries, and along the breastworks about four thousand, all under the command of General Samuel Smith, assisted by Brigadier-general Winder, of the United States army, and Brigadier-general Stricker.

The enemy having been expected to land at North Point, General Stricker was despatched with a strong detachment to meet and repulse his advance force; and on the evening of the eleventh, he had reached the meeting-house with about three thousand men. The artillery was placed in the middle of the North Point road, supported on each flank by a regiment of infantry. A part of this detachment sent forward was soon encountered by the main body of the British, and the ground not admitting the co-operation of the artillery and cavalry, the attack was sustained exclusively by the infantry and riflemen, by whose fire General Ross and several of his

<sup>1</sup> VII. Niles's Register, page 11.

officers were killed. They then retreated, and the enemy, now led by Colonel Brooke, continued to advance, and throw rockets upon the brigade of militia. The artillery under Captain Montgomery was immediately opened upon him, and the British kept up a fire from their six-pounders and a howitzer.

A vigorous effort was then made by Colonel Brooke, to turn the left flank of his adversary; but the fifty-first regiment, ordered to resist his attempt, after a loose fire, precipitately fled, and could not be rallied, and a part of the second battalion was thus thrown into disorder, and also fled. With the rest of his troops, who stood firm, General Stricker opened a brisk fire on the enemy, and the unequal contest continued until nearly four o'clock, when he thought it prudent to retire on the reserved regiment, which was done in good order. While every effort was making by General Smith for the defence of the city, Colonel Brooke halted on the ground which General Stricker had previously occupied, and there he remained on the night of the twelfth. The next morning he was informed by Admiral Cochrane that the frigates, bomb-ships and barges would bombard the town and fort. The land forces then again advanced on the town, and halted about two miles east of the entrenchments. The day was passed in manœuvres of the enemy to reach the Harford and York road, and in those of the Americans to prevent them. At noon, Colonel Brooke, within a mile of the works, drove in the outposts, and prepared for a general attack at night. It was, however, not made, it being found that the defences were stronger than he had supposed; and in the course of the night of the fourteenth, the troops were re-embarked. Pursuit next morning was attempted, but without effect.

The attack on the fort was equally unsuccessful. The

bombardment began on the thirteenth, and continued throughout the night; but the shot of the fort fell far short of the enemy's vessels. In the night, a fleet of barges was despatched to storm Fort Covington; but they were repulsed with great loss, and rejoined the fleet.

The loss of the Americans in this attack on Baltimore on the field of battle, was not less than one hundred and fifty, which, added to the loss at Fort M'Henry, of four killed and twenty-eight wounded, made a total of one hundred and seventy-eight. By the British official account, their loss was thirty-nine killed, and two hundred and sixty-one wounded; total, three hundred.

Let us now return to the civil affairs of the nation. On the twentieth of September, the President sent his opening message to Congress.

He says he had called them together sooner, both to supply any wants the treasury might require and to provide for the result of the pending negotiations with Great Britain, whether that should be peace, or a continuation of the war. The refusal of Great Britain to accept the mediation of Russia, and the spirit in which the war is now waged on her part, seem to show that her hostility is greater now than ever.

He says the enemy has little cause to boast from the events of the present campaign, except in his enterprises against Washington and Alexandria, from both of which places "his retreat was as precipitate as his attempts were bold and fortunate." In these instances of success he will find no compensation for his loss of character with the world.

He then mentions the "splendid victories gained on the Canadian side of the Niagara, under Generals Brown, Scott and Gaines; and on our Southern border, General Jackson has subdued the hostile Indian tribes." The

enemy was signally repulsed at Baltimore both by sea and land, as he was also at Plattsburg. On Lake Ontario, our naval force is sufficient to confine that of the enemy to his own posts. On Lake Champlain, the whole of the enemy's squadron have been captured; and on the ocean, "the pride of our naval arms has been amply supported." A second frigate has indeed fallen into the hands of the enemy. The commander, Captain Porter, maintained a sanguinary contest against two ships, "till humanity tore down the colors which valor had nailed to the mast." Two smaller vessels had also yielded to a superior force, while two others have captured British vessels of the same class. Our private cruisers have also greatly annoyed his commerce.

He adverts to the necessity of filling the ranks of the regular army, as more economical than the militia, which, however, should be classed and disciplined.

The money received into the treasury for nine months amounted to thirty-two millions of dollars, of which near eleven were the proceeds of the revenue, and the residue, of loans. The disbursements at the same time were thirty-four millions, leaving in the treasury near five millions. Further sums must be provided to meet the expenses for the rest of the year.

The situation of the country calls for the greatest efforts, as the enemy is powerful both on the land and the water, in men and money. He is aiming a deadly blow at our growing prosperity, perhaps at our national existence. His threats and barbarities, instead of dismay, will kindle indignation in every bosom. Of this, ample proof has been afforded.

When it is recollected that not four weeks had elapsed since the seat of government was in possession of the enemy; that he had destroyed its public buildings; and

that the head of the nation, with the forces collected for the protection of the metropolis, had been compelled to seek safety in a precipitate flight, those facts seemed scarcely to comport with the tone of defiance in the President's message, and with his slight notice of the national disgrace. But in truth the incongruity was rather apparent than real. Though it was deeply mortifying to the pride of the nation, that Washington had been captured almost without resistance, yet the evil extended no further; and so far from its impairing the strength of the country, it had, in the patriotic indignation it had called forth, given to the Administration a support, and to the war a popularity, extending to the humblest ranks in life, which they had not previously experienced.

On the twenty-sixth of September, the President sent to the Senate the annual report<sup>1</sup> of George W. Campbell, the Secretary of the Treasury. According to his statement of the finances, the money authorised by Congress to be expended in the current year, amounted to more than forty-seven millions of dollars; to meet which, the means relied on were taxes, direct and indirect, about eleven millions; loans thirty-three and a half millions; and the residue, part of the money then in the treasury.

He dwells on the difficulties likely to be met in raising the required sum, from the suspension of specie payments by most of the banks, and the pecuniary embarrassments of the citizens generally; and he suggests several expedients by way of remedy; but apparently either thinking himself incapable of overcoming the difficulties, or unwilling to encounter them, he resigned his office immediately after his report, and Mr. Alexander J. Dallas, of Philadelphia,<sup>2</sup> who had a high reputation

<sup>1</sup> Annals of thirteenth Congress, page 1479.

<sup>2</sup> Mr. Dallas was a native of the Island of Jamaica. It is remarkable

as a lawyer and a political writer, was appointed to succeed him.

The first subjects of discussion naturally grew out of the recent capture of the city. A resolution<sup>1</sup> was offered by Richard M. Johnson, of Kentucky, for the appointment of a committee to inquire into the causes of the capture of the city; into the manner in which the public buildings and property were destroyed, and into its value; which, on the following day, was unanimously adopted.

Two days afterwards, Mr. Fisk, of New York, offered a resolution<sup>2</sup> for the appointment of a committee to inquire into the expediency of removing the seat of government, "during the present session of Congress, to a place of greater security and less inconvenience."

This subject immediately gave rise to debate; and it soon appeared that while considerations of public policy were relied on by the members on both sides, they were, almost without exception, separated by a geographical line. The resolution having passed, on the question of removal the House was equally divided; whereupon the Speaker decided in favor of removal, giving as a reason, that the District could not be defended but at an immense and unwarrantable expense. The subject was again discussed in Committee of the Whole, when there was a majority of three in favor of the removal. In the House that majority was reduced to one, and after several trials of strength between the two parties, the

that every Secretary of the Treasury since the adoption of the Constitution — Hamilton, Gallatin, Campbell and Dallas — had been foreigners by birth; which fact seemed to give countenance to the doubt expressed by Mr. Gerry in the first Congress (which now appears so preposterous), whether any one could be found in the country capable of managing its finances.

<sup>1</sup> Annals of thirteenth Congress, page 305.

<sup>2</sup> Ibid. page 311.

question was put to rest on the eighteenth of October, by eighty-three votes against a removal to seventy-four votes in its favor.<sup>1</sup>

On the tenth of October, the President transmitted to both Houses of Congress letters from the Ministers of the United States at Ghent, concerning their negotiations for peace, which had been long anxiously expected.

By these despatches, it appeared that those Ministers — Messrs. John Q. Adams, Bayard, Gallatin, Clay, and Russell — met the British Plenipotentiaries — Lord Gambier, Messrs. Henry Goulburn and William Adams — early in August, at Ghent; and after the exchange of several notes, in which sharp recriminations on both sides were but thinly disguised by diplomatic courtesy, the only point on which they had been able to agree was, that the Indian allies of Great Britain were to be included in the pacification. This was stated by the British Commissioners to be a *sine qua non*; and they further insisted, at first, that the boundary to the Indian Territory should be permanently established, so that it should be a perpetual barrier between the possessions of the United States and of Great Britain; and that neither nation should be thereafter at liberty to purchase any of their lands: but they finally receded from the last requisitions, and were content with the stipulation which secures to the Indians, with which either nation is at war, peace, and all “the possessions, rights and privileges enjoyed by them before the war, provided such Indians also desist from hostilities.” They even insisted, as essential to their security, that the United States should keep no naval force on the great lakes, and have no military posts on its shores, while they should be at liberty to do both.

<sup>1</sup> Annals of thirteenth Congress, page 396.

The points further brought forward by the British Commissioners were a direct communication from Halifax and New Brunswick to Quebec, which required a cession of part of the District of Maine: the treaty right to the navigation of the Mississippi to be retained, and a line from Lake Superior to the Mississippi to be a boundary. They further stated that the privilege of landing and drying fish within the British territories would not be ceded to the Americans without an equivalent.

The American Commissioners presented, as further subjects of consideration:

First. A definition of blockade; and as far as they may be agreed on, other neutral and belligerent rights.

Second. Claims of indemnity to individuals for captures and seizures preceding and subsequent to the war.

Third. There were other points to which these instructions extended, which might be subjects of discussion either in the negotiations of peace, or in that of a treaty of commerce which they were authorised to conclude.

On hearing the inadmissible demands of the British Government, there was but one sentiment in any part of the country, south of New England, of lively indignation; and heavily as the war bore on most of the interests of the country, it was the general sentiment, in Congress and out of it, that the nation should patiently bear it, rather than submit to such ignominious terms. The effect was the greater, because it appeared, by the instructions given to the American Envoys, that the United States were disposed to offer the most liberal terms to Great Britain, consistent with reciprocity; and that, to secure American seamen from the evils of British impressments, they were willing to pass a naturalization law which would practically have excluded British sea-

men from the American naval service.<sup>1</sup> Congress then seriously set about providing men and money, that, by a more efficient war, they might, without dishonor, secure the blessings of peace.

According to the treasury report<sup>2</sup> prepared by Mr. Dallas, the Secretary, the sum annually required during the war to pay the expenses of the Government, and the interest on the public debts, treasury-notes, and new loans, was twenty-one millions of dollars; to raise which, he proposed an addition of one hundred per cent. to the direct tax, several of the existing internal taxes, and new duties on specific articles to the amount of seven millions. As a further aid, he proposed the establishment of a national bank, with a capital of fifty millions, which should lend to the United States thirty millions, at an interest of six per cent. To relieve the treasury from the pressure of its present engagements, amounting to above nineteen millions, he proposed to rely on loans and treasury-notes previously authorised, new loans, and a further issue of treasury-notes.

This report was proposed, by the Committee of Ways and Means, to be substituted for one which it had previously submitted to the House, and which was not materially variant from it. The Secretary's report was made the basis of the discussion of the ways and means during the remainder of the session.

Mr. Jefferson having, in consequence of the destruction of the Congressional library, signified, in a private letter, that he was willing to sell his library to Congress on its own terms, the subject, which was favorably received by the majority, called forth no small opposition

<sup>1</sup> See Mr. Monroe's letter to the American Envoys, dated April 15th, 1813. — *Annals of thirteenth Congress*, page 1285.

<sup>2</sup> *Ibid.*

and debate from the minority ; and motions were repeatedly made to leave the subject to the discretion of a committee, and to confine the purchase to such books as should be selected ; but they were all negatived by large majorities, and the Library Committee of the two Houses were authorised to make the purchase, subject to the ratification of Congress.

At this moment, when the nation was smarting under its sense of the disgrace resulting from the unresisted capture of its metropolis, the Opposition sought to profit by the occasion to reiterate its attacks on the Administration and the war. Even on a question of laying or modifying a tax, they declaimed on the hackneyed themes of the folly and wickedness of the war, of the incapacity with which it had been conducted, and of the mean subserviency to the views of France. After the lapse of more than forty years, it may be interesting and not altogether uninteresting to regard the tone and temper in which the minority assailed those who had encountered the hazards and responsibility of war, to vindicate their country's interests and honor, against an enemy, always formidable, and now able to exert its undivided strength, and when that war and its authors had the support of probably three-fourths of the nation.

On the motion of Mr. Eppes, Chairman of the Committee of Ways and Means, to raise the direct tax a hundred per cent., Mr. Oakley, in a speech which was regarded by his friends, and no doubt by himself, as a proof of great liberality, proposed to increase the direct tax still more, that being deemed by him the most eligible mode of raising revenue. He disclaimed the belief that the war had originated in any concert with France, or with a view to her interests ; but his own conviction was, that the authors of the war had rested chiefly on

the success of France for a favorable issue of the contest. He inferred this from the facts, that they had begun the war without preparation, had conducted it without vigor, and had determined to give it up as soon as they knew that the fate of France was decided. He said that the character of the war was now changed. It had become *defensive*. The enemy, losing sight of his own interests, and actuated by ambition, or a desire of revenge, and feeling no doubt a contempt for the power and resources of the country, which the feeble conduct of the Administration was well calculated to inspire, had made demands which rendered peace impossible, unless on terms which violated the interests and honor of the country. The only radical cure, he said, for the evils which the country now suffered was in a change of Administration. "If the country was not to be irretrievably ruined—if its flag was not to be struck, as the flag of the Administration had been, it must wave over other heads than those who had hitherto directed this war."

After some appropriate discussion of the tax the next day, Mr. Cyrus King, of Massachusetts, distinguished for his simple unadorned vituperation of the party in power, followed Mr. Oakley on the same side. Concurring with that gentleman in his opinion of the Administration, he differed from him in affording it even a partial support. "If," said he, "as the honorable gentleman correctly observes, the extreme depth of the folly of these men, in declaring and conducting the war, was such that even his intelligence could not fathom it—if, as he says, they have abused the confidence reposed in them, and lavished the blood and treasure of the nation in foolish and wicked contests, can we in honor unite with such monsters?"

With a like exhibition of taste and temper, he says,

“Like the contemptible jackal to the lion, while the imperial beast of France was greedily pursuing his prey, our dastardly Administration expected to extort their dirty portion from its fears. I was induced to advert to this French origin of the war, for the purpose of distinctly stating to the American people that the allies in Europe, the great and good Alexander the Deliverer among the rest, all so consider it. Nay, more, sir; they believed your Administration only a branch of the power of the late imperial, now fallen tyrant; which power they are determined to destroy, root and branch. Let not the people, then, of this country delude themselves with the hope of peace, while the present men wield the destinies of the nation. Foreign nations, sir, have no confidence in the amicable professions of your Administration, and no honorable peace will ever be made with them.” The orator proceeded, in the same ribald strain, to give four formal reasons why, as a member from New England, he could vote for no one of the proposed taxes.<sup>1</sup>

Mr. Webster, who never violated decorum, and never forgot his self-respect, was a far more efficient adversary. He urged that those who had taken upon themselves the responsibility of making the war, must bear the responsibility of laying the taxes for its support. The votes of himself and his friends had not been required on the first occasion, and were not necessary now. He said that a “high public credit was one of the treasures which the country had committed to the hands of the present Administration. How they are to restore it, buried as it now is under a mass of depreciated stocks, unfilled loans, discredited treasury-notes, debts unpaid and debts unliquidated, they must determine for themselves, looking to that account to which the country may call them.”

<sup>1</sup> Annals of thirteenth Congress, page 444.

"The Administration," he said, "appeared to him not to have changed its habits. It continued to go on in its old party path, to revolve round its party centre, and to draw all its heat and light, its animation and its being, from party sources. The measure of ability with which the war had been conducted was about equal to the measure of prudence with which it was declared; and the success of the issue, without a change of auspices, would probably be proportionate to both." "The Government was indeed unprepared when it went to war. It has been unprepared ever since; and if the contest should not last more than twice as long as the war of the Greeks and the Trojans, it will come to an end before the country, upon the present system of things, will be prepared for its beginning." He proceeded to add to the list of political errors the series of acts of self-murder, called restrictions, by which commerce was destroyed; the abandonment of the sinking fund; and the discontinuance of the Bank. After passing some censure on the course pursued by the American Envoys at Ghent, he concluded with saying he should not give his vote for the measures proposed, either by way of expressing his approbation of the past, or his expectations for the future. On the past he looked with mixed emotions of indignation and grief; on the future, with fearful forebodings and apprehensions, relieved only by the hope that the immediate adoption of better counsels might lead to better times."

These harsh strictures on the Administration were ably and zealously repelled by Mr. Calhoun, who made a forcible appeal to that love of country which he had successfully invoked to take up arms. "If ever a body of men," said he, "held the destinies of a country in their hands, it was that which I am now addressing.

You have for an enemy a Power the most implacable and formidable; who, now freed from any other contest, will, the very next campaign, direct the whole of his force against you. Besides his deep-rooted enmity against this country, which will urge him to exertion, the enemy is aware of the necessity, on his part, to bring the contest to a speedy termination. He dreads its continuance; for he well knows, that should it be maintained by us with vigor, for only a few years, there will be other parties to the struggle, which may again involve him in a war with all Europe. He then will put forth, from spite and policy, the whole of his strength the very next summer, to crush us, if possible, by one mighty effort."

He then urges the House to despatch; admits that the finances are much deranged, and can be restored only by a vigorous system of taxes. If we wish, said he, to act with effect, the war in Canada must be wholly offensive. He did hope that the miserably stale and absurd objections against offensive operations in Canada had ceased, until he heard yesterday the member from New Hampshire (Mr. Webster). A regular force of at least fifty thousand men ought to be ready by the first of May, or June at farthest. If they could be immediately raised and marched to their proper depôts for training, they could, in a few months, be well fitted for service. He was well assured that the brilliant battles of Bridgewater and Chippewa were won by men, three-fourths of whom had not been in the ranks more than four months. With skilful officers, and with the aptitude of the Americans to acquire the military art, the finest army, in a few months, might be formed. He said he could not refrain from congratulating this House and country on the acquisition we had made, in so short a time, of military skill. It was wonderful, almost incredible, that in

a year or two, with very little opportunity, such Generals should be found as have the last summer led our army to glory. Put under their command, without delay, a sufficient force, well appointed, and you will find yourselves on the road to honor and secure peace. But, he asked indignantly, can this be done by idle debate, by discussing the origin of the war, and the relative talent and virtue of the two great parties in this country? Now is our time, not for debate, but action. Much is to be done. We have not a moment to lose. Time is to us every thing — men, money, honor, glory, and peace. In the same glow of patriotic ardor, he spoke of the British pretensions at Ghent; and again pressed on the House England's strong motives for wishing to bring the contest to a close.

Mr. Shepherd followed, in a speech which yielded to none that had preceded it, in bitterness of denunciation against the war and its authors. After which the question was taken on the resolution for doubling the direct tax, and it passed by eighty-nine votes to thirty-seven, two or three of the Opposition voting with the majority.

If, on a dispassionate review of these censures on the party in power, they should be thought to savor more of party rancor than of patriotism; or, supposing them to have some foundation in fact, if they were unseasonable, from their tendency to encourage the enemy in his extravagant demands, and to weaken the spirit of national defence at the moment which called for its undivided strength, then must those censures be severely rebuked by the impartial judgment of posterity.

But can the Administration who declared the war be acquitted by the same impartial judgment? No candid mind will now dispute that the responsibility of war was assumed without due preparation of men and money;

but then it must be recollected that the President, and a part of his Cabinet, were prematurely urged into the war by their friends and supporters, against their own judgment, and cautious policy.

Nor are those friends and supporters without apology. To vindicate the honor of their country, for which they felt as for their own, they had to choose between the risk of losing the support of the people in making war, impoverished as they were, if they were subjected to the pressure of taxes, or of engaging in the war without preparation. They did not hesitate to regard the last evil as the least; and every one who has a spark of patriotic pride will ratify their decision. Had the United States continued their course of tame submission — had they delayed resistance until the repeal of the orders in council had made it impracticable, the American character must have been degraded in the eyes of the world, and what is worse, in their own. They would have justified the ungenerous taunt of one of the leaders of the Opposition (Mr. Quincy, of Massachusetts), that “we could not be kicked into a war;” and this page of our history would have caused the blush of shame and mortification in the cheek of every American which now glows with delight at the history of our numerous triumphs by land and by water, from the capture of the *Guerriere* to the unmatched victory at New Orleans.

The addition to the existing internal taxes, and the new duties recommended by the Secretary of the Treasury, were adopted without party opposition, or much debate. But, in the large expenditure proposed, and the exhausted state of the country, treasury-notes and loans were principally relied on for the means of carrying on the war. Treasury-notes were authorised to be issued to the amount of twenty-five millions of dollars; and two

loans, one for three millions, and the other for eighteen millions four hundred and fifty-two thousand and eight hundred dollars.

But the main reliance for sustaining the treasury was the national bank proposed to be established, both for affording a circulating medium, of which the country was greatly in want, and for aiding the Government by loans.

The bill introduced by the Committee of Ways and Means proposed a capital of fifty millions of dollars, of which twenty millions were to be subscribed by the Government, and redeemable at its pleasure, and thirty millions by individuals, of which six millions were to be paid in specie, and twenty-four millions in public stocks or treasury-notes.

As on this subject there was a great diversity of opinion both among the friends of the Administration and the Opposition, it gave rise to more discussion than any other topic of the session.

Mr. Gaston, besides objecting to other provisions of the bill, thought the capital too great; and after a long and able speech, moved to reduce it to twenty millions. He was answered by Mr. Fisk, of New York, and the amendment was rejected by seventy-nine votes to forty-seven.<sup>1</sup>

Mr. Calhoun offered a substitute for the bill, by which the whole capital of fifty millions was to be subscribed by individuals in specie and treasury-notes. It was warmly opposed by Messrs. Ingham and Ingersoll of Pennsylvania, Fisk, and Forsyth; and supported by Messrs. Lowndes, Oakley, and Wright. Mr. Calhoun's substitute was adopted by a very large majority.<sup>2</sup> The

<sup>1</sup> Annals of thirteenth Congress, page 581.

<sup>2</sup> Ibid. page 625.

provision for lending thirty millions to the Government was struck out by eighty-six votes to fifty-eight.

The bill having then been referred to a select committee, Mr. Lowndes, its chairman, inquired of the Secretary of the Treasury his opinion on the effects of so large an issue of treasury-notes as forty-four millions; and Mr. Dallas thinking that an issue to that amount would cause a depreciation of the notes, Mr. Lowndes moved to reduce the capital of the bank to thirty millions, which amendment prevailed by a small majority.<sup>1</sup>

The subject was then referred to the Committee of Ways and Means. But before there was any further action on it, another bill for the incorporation of a national bank was received from the Senate, on which, after various amendments and recommitment, on a third reading there were eighty-one votes in the affirmative, and eighty in the negative, when the Speaker having also voted in the negative,<sup>2</sup> for which he gave his reasons very fully, the bill, for want of a majority, was rejected.

It was, however, reconsidered, recommitted, amended, and finally passed, on the seventh of January, by the large majority of one hundred and twenty to thirty-eight. The Senate adopted the amendments of the House; but the President returned the bill to the Senate, in which it originated, with his objections,<sup>3</sup> on the consideration of which the bill was rejected in the Senate by the insufficient majority of nineteen votes to fifteen.<sup>4</sup>

The President's objections to the bill did not extend to its constitutionality, but rested on its not seeming to answer the purposes of reviving the public credit; of providing a national medium of circulation, and of aiding the treasury by facilitating the indispensable antici-

<sup>1</sup> Annals of thirteenth Congress, page 655.

<sup>2</sup> Ibid. page 1024

<sup>3</sup> Ibid. page 189.

<sup>4</sup> Ibid. page 214

pations of the revenue, and by affording to the public more durable loans.

But the friends of a national bank were not yet willing to abandon a measure which they deemed so important; and another bill for that object soon passed the Senate, but while it was about to undergo discussion in the House, its indefinite postponement was moved by Mr. Lowndes, on the ground of the want of time; that the present moment was peculiarly unfavorable, and that the suspension of cash payments by the State banks would be prolonged by it. After some debate, the postponement was carried by a single vote.

The important purpose of providing men to carry on the war was the subject of no less discordance between the two parties, and the two Houses of Congress, than that of providing money had been.

Mr. Troup, Chairman of the Military Committee, reported bills providing for filling the ranks of the regular army by classifying the free male population; authorising the President to accept the services of volunteers; and giving him authority to augment the present military establishments. He at the same time laid before the House a letter to himself from the Secretary of War, in which he proposed, first, that the existing military establishment of sixty-two thousand men be preserved and made complete. Second, That a permanent force of at least forty thousand men be added for the defence of the cities and frontiers. Third. That the corps of engineers be enlarged. And Fourth. That the ordnance department be amended.

To raise the force required, he suggests four plans. The first proposes to divide the whole male population into classes of one hundred men, each of which to furnish a given number for the army. The second proposes

to distribute the population into three classes, according to age, and the President to have power to call into service any portion of either of these classes. The third plan proposes to exempt every five men from militia service who shall find one to serve for the war. By the fourth plan, if the others should fail, the expedient of recruiting was to be made efficient by an increased bounty in land. All of which plans, except the last, were vehemently and successfully assailed by the Opposition, by giving to them the odious name of *conscription*.

Among the first military measures of the session was a bill in the Senate which authorised the President to call upon the States and Territories for their quotas of eighty thousand four hundred and thirty militia for the defence of the frontiers against invasion. The bill was opposed by Mr. Troup, on the ground that we wanted not militia, but regulars. The bill gave rise to a protracted debate as to the term of service, whether the quotas should be according to the whole population, as to the number required, and various other topics; but finally passed the House with amendments; but the Senate only partially concurring in them, the bill was defeated.

Of the bills which have been mentioned, and several other measures of national defence, the only ones adopted were the act<sup>1</sup> providing for filling the ranks of the army, which authorised the recruiting officers to enlist minors, and which gave to each soldier, on his discharge, a bounty of three hundred and twenty acres of land; and also the act<sup>2</sup> which authorised the President to accept the services of troops and of volunteers from the several States, not exceeding, in all, forty thousand men.

There was also passed an act for the regulation of the

<sup>1</sup> Annals of thirteenth Congress, page 1837.

<sup>2</sup> Ibid. page 1896.

ordnance department; an act creating a navy board of three post-captains, to discharge the ministerial duties of the Navy Department; an act authorising the President to purchase twenty small vessels, of from eight to sixteen guns; and an act to prohibit intercourse with the enemy, under the penalty of fine and imprisonment, for the execution of which act large powers were given to the custom-house officers.

Such were the preparations made for carrying on the war in the current year; but happily for the cause of peace and humanity, their sufficiency was not brought to the test of experiment.

The Vice-President, Elbridge Gerry, during this session of Congress, in December, terminated his long and active political life.

Though the Administration was as warmly and generally supported as it is ever likely to be in any government in which the people are accustomed to form opinions on public measures, and free to express them, yet in one large section of the country a majority had long appeared to be decidedly opposed to it in all its leading acts of embargo, non-importation, non-intercourse, and finally of war. By each of these measures, their merchants and ship-owners, who constitute the most weighty and wealthy classes with them, were great losers; and this injury to their interests gave a further acerbity to their political feelings, sufficiently opposed before to Mr. Jefferson and Mr. Madison. Their opposition was manifested in various ways; in the annual addresses of their Governors, in long argumentative reports of legislative committees, in laws to embarrass the action of the Federal Government, when preparing for war and in carrying it on after it was declared, and in refusing to contribute men to the invasion of Canada, or even to *march beyond*

the limits of their own State. Nay, on one occasion, when a victory highly honorable to the bravery and skill of the American navy had taken place, a member of the Legislature, very highly respected (Mr. Josiah Quincy), formally moved a resolution that "it did not become a moral and religious people to rejoice at victories obtained in such a war."

The spirit of disaffection, diligently cherished by their leading politicians, went on increasing, until it was proposed that the five States of New England should meet in convention to consult about their common interests. The proposal was readily acceded to, and at the city of Hartford, in Connecticut, there assembled, on the fifteenth of December, 1814, twelve members from Massachusetts, seven from Connecticut, four from Rhode Island, with three delegates chosen by two counties in New Hampshire and one county in Vermont, who were also admitted as members. They sat with closed doors until the fifth of January, 1815, when they adjourned, having first issued a manifesto or report, signed by all the members, in which they set forth their grievances, as well as their motives and reasons for the resolutions which they had passed, and the amendments to the Federal Constitution which they had proposed.

After mentioning seven amendments to the Federal Constitution, and giving reasons for their adoption, they disclaim all hostility to that Constitution, but profess to aim only to unite the friends of the country, of all parties, and to obtain their aid in producing a change of Federal rulers. But should this prospect prove hopeless, they refer to the "necessity of more mighty efforts," and therefore offer resolutions to the following effect:

That it be recommended to the Legislatures of the several States represented in this Convention to adopt

all such measures as may be necessary to protect the citizens of those States from the operation of all acts of Congress which contain provisions subjecting the citizens to forcible drafts, conscriptions, or impressments, not authorised by the Constitution.

That it be recommended to the said Legislatures to make an earnest application to the Government of the United States, to consent to some arrangement whereby the said States may, separately, or in concert, assume upon themselves their own defence, and that a reasonable portion of the taxes collected within the said States may be paid into their respective treasuries.

That it be recommended to the said Legislatures to authorise their Governors to make detachments of their militia, on the request of the Governor of either of the other States, to assist in repelling any invasion which shall be made or attempted.

That the following amendments to the Constitution of the United States be recommended to the States aforesaid, to be proposed by the State Legislatures, or Conventions, and that they persevere in their efforts to obtain the same:

First. Representatives and direct taxes to be apportioned among the States according to their number of free persons.

Second. No new State to be admitted but with the concurrence of two-thirds of both Houses.

Third. No embargo to be laid for more than sixty days.

Fourth. The commercial intercourse with no nation, or its dependencies, to be interdicted without the concurrence of two-thirds of both Houses.

Fifth. Two-thirds also necessary to declare war, or authorise acts of hostility against any foreign nation,

except such acts of hostility be in defence of territories actually invaded.

Sixth. No person hereafter naturalized to be eligible to Congress, or capable of holding any civil office under the authority of the United States.

Seventh. The same person not to be elected President a second time, nor shall the President be elected from the same State two terms in succession.

Their next resolution provided that if the application to the Government of the United States which they had recommended should be unsuccessful, peace should not be concluded, and the defence of the New England States should continue to be neglected, it will be expedient for the Legislatures of those States to appoint delegates to another Convention, to be held in Boston in June next.

They lastly name three of their number, who are authorised to call another meeting before new delegates shall be chosen, should they deem it expedient.

The secret journal of this Convention has been since published by their Secretary, to show that they have been grossly misrepresented. This publication does indeed seem to disprove the worst charges and suspicions against them. But if, indeed, those charges and suspicions were entirely groundless, one can see no reason for the secrecy of their deliberations, except the petty one of wishing, for the sake of exciting alarm, of being thought worse than they really were, or the more unworthy motive of fearing to displease the people of New England, most of whom, notwithstanding the pressure of the war, still clung to the Union. It must be remembered that the *debates* of the Convention, by which alone the feelings and purposes of the members could be fully understood, are as yet a sealed book to the nation.

The Administration did not see this Convention with

passive indifference. They employed Lieutenant-colonel Jessup, on whose discretion and firmness they could rely, as their agent in Hartford, which he made his recruiting station.

The Governor of Massachusetts, as authorised by the Legislature, appointed three Commissioners to proceed to Washington, and there to make to the Government the modest application mentioned in the second resolution of the Convention. Connecticut added two others. But the news of peace reaching Washington at the same time as these Envoys, their mission became the theme of unsparing taunts and ridicule in the newspapers, and they returned home without making the objects of their mission formally known.

The occurrences at New Orleans now claim our attention. When it was known that the British meant to make an attack on that city, General Jackson was appointed to take command of the force employed in its defence; and he accordingly repaired thither on the second of December, having under him, either at or on their way to New Orleans, upwards of five thousand men, chiefly volunteers from Kentucky and Tennessee, exclusive of the militia of Louisiana. He had previously found it necessary to take possession of Pensacola, in Florida, on account of the hostilities of the Seminole Indians in the neighborhood. He reconnoitred the river below, and began to make vigorous preparations to meet the enemy.

On the sixteenth, martial law was declared. At this time the British fleet—the same which had lately occupied the Chesapeake, was seen ascending the Mississippi, and having entered the Bay called Lake Borgne, landed at the head of the *bayou* on the twenty-third of December. They succeeded in capturing some gunboats em-

ployed to watch their approach, after a sharp contest. Meanwhile, the Kentucky troops had not yet arrived, and in the interval the utmost exertions were made to defend every approach to the city by fortifications, breast-works, and all other practicable modes of defence.

On the twenty-third, General Keane had landed on the grounds of General Villerés, at which time the Tennessee volunteers and militia were encamped four miles above the city.

General Jackson, with as much judgment as boldness, determined on attacking the advanced troops of the British in their entrenchments, on the night of the twenty-third of December, having in all a force of about fifteen hundred men. General Coffee was directed to turn their right, and Commodore Patterson was to co-operate from the schooner *Caroline*. While this vessel was pouring on the enemy a destructive fire, General Jackson advanced upon his left, and General Coffee, with his riflemen, attacked his right. This unexpected attack was a temporary surprise on the British, but they soon recovered, while Coffee aided in driving the enemy from his position. General Jackson, with the right division of the army, was now engaged with Colonel Thornton's light brigade, which greatly outflanking Jackson's force, an attempt was made to turn it, and to carry the artillery at the other extremity of the line. They were, however, compelled to retire, and Jackson was left in possession of the ground first occupied by Thornton; while Coffee, placing himself in the rear of the same ground, annoyed the enemy in his retreat. Encouraged by his first success, Jackson was sanguine in the hope of capturing the whole British force, and would have attempted it, but for a thick fog. He therefore drew together his force, and remained on the ground all night; but the next morn-

ing he withdrew to a stronger position two miles nearer to the city. In this action the Americans lost two hundred and thirteen in killed, wounded and missing. The loss of the British was near four hundred.

This unlooked-for attack induced the British to advance with more caution, and to erect batteries to protect their approach, as well as to attempt to destroy the naval force which had so annoyed them. By means of batteries near the margin of the river, from which they threw red-hot shells, they set the Carolina on fire, and she was abandoned by Captain Henry and his crew, a little before she exploded. The sloop-of-war Louisiana was then the only marine force which the Americans retained, and she was exposed to the whole of the enemy's fire. Captain Henry, however, succeeded in getting her near to General Jackson's position.

Sir Edward Packenham, who commanded the expedition, on the morning of the twenty-eighth, at the distance of eight hundred yards, commenced his attack on the American lines of defence, and gradually advancing, they hoped to compel Jackson to retire within the city; but his batteries were so well served, that General Keene's columns sought protection from the houses near the levee. As the British advanced, the Louisiana was able to pour into the enemy a broadside which took them in file. By means of a rapid fire from her eight star-board guns, the enemy was completely repulsed. In this attack, the American loss was only seventeen, while that of the British was supposed to be more than two hundred.

General Packenham continued to increase the number of his batteries, planted with heavy pieces of cannon, and the strength of his force, which, including sailors and marines, was now little short of fourteen thousand

men. General Jackson was equally active in improving his means of defence. On the thirtieth of December, Commodore Patterson opened a battery of twenty-four-pounders, erected on the right bank, the night before, the effect of the fire from which, joined to the broadsides from the Louisiana, drove the British from their works.

On the first of January, Sir Edward Packenham, from two formidable batteries, erected the night before, aided by rockets and shells, disabled some of General Jackson's guns, and it was the purpose of the British to storm the American works as soon as their guns should be silenced; but they were soon convinced, by the rapid discharges of artillery, that that was not the case. Finding that an assault was not advisable, he fell back on his encampment. The Louisiana had been previously compelled to move higher up the Mississippi, to keep out of the reach of the hot shot from the enemy's batteries on the margin of the river.

General Jackson had been gradually receiving reinforcements, and his whole force now amounted to near four thousand men (thirty-eight hundred and forty-six). Besides the batteries he had erected on both sides of the river, he had several successive lines of entrenchments and breastworks in his rear, as places of retreat, if driven from his present position. Before the eighth, he had eight batteries, which mounted in all twelve guns, one of them a thirty-two-pounder; they extended a mile from the river to the Cypress Swamp. On the right of these works were posted thirteen hundred and eighty-nine men, under Colonel Ross; the centre was commanded by General Carroll, and part of Adair's division, in all, sixteen hundred men; and the left under General Coffee, with five hundred men. On the opposite side of the river, the works erected by General Morgan were

defended by five hundred and forty-six men. To these were added five hundred men from Adair's Kentucky militia. Commodore Patterson erected additional batteries on the same side, to annoy the enemy if he should attempt to approach on the right bank of the Mississippi.

Sir Edward Packenham having now under him a force of twelve thousand regulars and two thousand seamen, and having strengthened his batteries with heavy cannon, determined on making a vigorous assault on the American forces on each side of the river, on the eighth — to effect which, Colonel Thornton, who was to attack General Morgan, was to cross the Mississippi in boats and launches provided the night before. The assault on General Jackson was to be made in two divisions. The right, under Major-general Gibbs, was to attack the centre of the American works; Major-general Keene was to conduct the attack on the left; the reserve was commanded by Major-general Lambert. Colonel Thornton could not effect a landing at the point proposed, but was thrown two or three miles below, and consequently the attacks on both sides the river were not simultaneous.

The battle began on the left bank early on the morning of the eighth. By a continued discharge of cannon, bombs, and rockets, General Packenham endeavored to effect a breach. His fire was returned with vigor from Jackson's eight batteries, but the enemy's divisions kept on advancing with unshaken firmness, and expected to plant their scaling-ladders on the parapet; but the sixth, seventh and eighth batteries, covered by Generals Carroll and Adair, and supported by Coffee's riflemen, kept up so effectual a fire on Gibbs's division, that he was soon compelled to retire in confusion. In rallying the troops, which was done by Packenham himself, he was cut down

by a cannon-ball. The same column was again led up by General Gibbs; but when within a short distance of the line, they encountered the like destructive fire, when General Gibbs and the column fled in confusion.

The division under General Keene was more successful at first. Having reached the redoubt, they boldly jumped into the ditch, gained the work by entering the embrasures, and thence mounted the breastwork, confident of success. The seventh regiment made a brave resistance, and the batteries One and Two, with the right of the right wing, poured on them a destructive fire, by which Colonel Rennie was killed, and General Keene severely wounded, when the whole column retreated in disorder. The ditch was filled with their dead and wounded, and a large proportion were made prisoners. As they retreated along the bank of the river, they were assailed by a galling fire from Commodore Patterson's battery on the opposite side of the river. General Lambert, the only General now left on the field, coming up with the reserve, in vain essayed to arrest the retreat of the columns, and he was forced to retreat to a position beyond the reach of the American shot. On a consultation with the Admiral, it was determined that they should return to their ships.

On the right bank of the river, Colonel Thornton assailed the gun battery of General Morgan; and the right flank of the American force having quickly fled, the left flank, after a short contest, finding themselves greatly outnumbered by the enemy, spiked their guns, and left their battery in the possession of the assailants. But the failure on the left bank prevented Thornton from profiting by his success. He himself was wounded, and his troops recrossed the river to the main body of

the British; and before the eighteenth of January, the whole army had left the shores of Louisiana.

From the ninth until the seventeenth, a bombardment of Fort St. Philip was kept up by Admiral Cochrane; but then a heavy mortar was opened on the bombarding vessels, which compelled them to rejoin the fleet. Their last enterprise was the capture, in February, of Fort Bowyer, on Mobile Point, with three hundred and sixty men. Thus was the costly expedition against New Orleans completely frustrated, principally by inexperienced militia and volunteers, with a loss which, in the number of killed, wounded and missing, could have been little, if at all, short of four thousand men. The loss of the Americans did not exceed five hundred. At the time this expedition was planned, or at least when it was about to be put in execution by sailing from the Chesapeake, it must have been known that peace was about to be concluded with the Commissioners.

It has often furnished materials for wonder and conjecture, that Great Britain should have fitted out so costly an expedition for the conquest of a place which she was immediately to give up at the peace that she knew was about to take place; and some have supposed that she meant to retain Louisiana,<sup>1</sup> notwithstanding the treaty, by disputing the title of France to that Territory at the time that she conveyed it to the United States. This might possibly be the fact, but a readier solution presents itself, when it is recollected that if the British had succeeded at New Orleans, as they confidently

<sup>1</sup> Mr. Ingersoll, in his "History of the War of 1812" (Vol. II. 2d series, page 107), inclines to this opinion, and states several facts in support of it. Of this work, it may be said that, with great singularity of style and occasional oddity of opinion, it abounds with valuable information and just reflection on men and things.

expected, their booty in cotton, sugar, tobacco, and other merchandize, then in the warehouses of that city, would have indemnified them, not only for the expense of the expedition, but for that of the whole war; so that the prospect of spoil might have been the incentive to the enterprise. Time will doubtless clear up this uncertainty.

For some time there had appeared to be no prospect of the Ghent negotiators agreeing on terms. The English Commissioners insisted on the Indians being parties to the treaty, and on a boundary line being fixed, which neither nation should pass. This last was resisted with so much force, on the strength of the examples of Great Britain and France, and of the treaty of 1781 making no such claim, that it was finally yielded. The American Commissioners also positively objected to any treaty which recognised the Indians as independent nations; but when, at length, the British proposed as their ultimatum, that on the conclusion of peace between the contracting parties, they should both agree to put an end to hostilities with the Indians, and to return to them all the possessions, rights and privileges they enjoyed in 1811, provided such tribes should also agree to desist from hostilities on their part, the American Commissioners readily agreed to this article, and said they had always been willing to do so.

This point having been adjusted, the chief difficulty to a treaty was removed. The British Commissioners yielded in succession their demand as to the exclusive right of having a naval force on the lakes, for which was substituted a prohibition to both parties; the exclusion of Americans from the right of curing fish on their shores; and the claim of a direct route from New Brunswick to Quebec by the cession of part of Maine. Instead

of running the boundary line from Lake Superior to the Mississippi, they consented to its running from the Lake of the Woods to that river; and the subject of impressment, no longer of urgent importance in a state of general peace, and presenting difficulties under the conflicting principles of the two nations, was passed over in silence.

On the twentieth of February, 1815, a message was received from the President, that a treaty had been made with Great Britain on the twenty-fourth of December, and that the ratifications had been duly exchanged. After encomiums on the wisdom of the councils of the country, and the valor of its citizens which had made the war successful, and congratulating the nation on the return of peace, he recommends to their beneficence the army and the navy, whose achievements have contributed to the restoration of peace. In coming back to a peace establishment, he suggests that we should not forget the necessity of being prepared for war, by all the modes essential to national defence.

He says that while a liberal policy in our foreign commerce will be found most beneficial, the interests of the rising manufactures of the country claim their guardianship.

The terms of the treaty<sup>1</sup> were, that all places which each party may have taken during the war are to be restored, with the exception of islands in the Bay of Passamaquoddy which are claimed by both parties, the right to which is to be hereafter determined. It provides for what prizes captured at sea are to be restored—different times from the date of the treaty being fixed for different parts of the world.

Commissioners to be appointed by each party shall

<sup>1</sup> Annals of thirteenth Congress, page 1409.

determine to which partes the islands in Passamaquoddy Bay belong; another set shall determine the north-west boundary, according to the treaty of 1783; and a third set shall settle the questions which have occasionally arisen under that treaty. In all these cases, if the Commissioners do not agree, the parties consent to refer the matter in dispute to the decision of some friendly Power.

The United States agree to put an end to hostilities against the Indians, and to restore to them the rights and possessions which they enjoyed in 1811.

Both parties engage to use their best endeavors to put an end to the slave-trade.

The thanks of Congress were voted to General Jackson for his brilliant victory at New Orleans, and gold medals had been previously voted to Generals Brown, Gaines, Scott, Ripley, Macomb and Miller for their military exploits on the northern frontier.

After the ratification of the treaty, Mr. Troup introduced a bill for the military peace establishment, which he proposed to fix at ten thousand men. This the Opposition considered to be too large, and proposed to reduce to six thousand. Those who were in favor of the lower number prevailed at first by a small majority; but in the Senate the bill was amended so as to make the number fifteen thousand, instead of six; and, on a conference between the two Houses, each receded from the ground it had previously taken, and they agreed on ten thousand.

The following appropriations were made at this session:—The sum of two hundred thousand dollars a year for three years was an additional appropriation to purchase timber for building ships-of-war. The President was authorised to borrow five hundred thousand dollars for the repairs of the public buildings burnt by the

British. Liberal pecuniary donations were voted to the captors of all the enemy's vessels taken at sea, and the full value of all the ships captured on Lakes Erie and Champlain. This liberality had the greater effect, as it was exhibited at the period when the financial difficulties of the country were most felt.

The House also concurred in the report of a committee to whom the petition of William Lambert had been referred. It appeared by the report, that Lambert had, by calculations founded on a series of observations, determined the longitude of Washington to be seventy-six degrees, fifty-five minutes, and forty-five seconds, or five hours, seven minutes, and forty-three seconds, in time, west of Greenwich Observatory. They offer a resolution, that the President employ competent persons to test the accuracy of Lambert's determination of the longitude of the capital. They also think that his plan of a National Observatory should be carried into effect as soon as the circumstances of the country shall be better suited to such an establishment.

As long ago as November, 1812, the Dey of Algiers, with the violence and caprice which had commonly characterised that regency, had driven away the American Consul and all American citizens in Algiers, contrary to the treaty subsisting between the two countries; and this outrage was followed by the capture of at least one American vessel, and by the seizure of American citizens on board a neutral vessel. The persons thus illegally seized were held, according to the report of the Secretary of State, transmitted to Congress by the President, in captivity as a means, it is believed, of extorting a degrading treaty from the United States.

Some days later, the President communicated to Congress information of more overt and direct war on the

part of Algiers. The considerations which had induced the past forbearance of the United States being now terminated by the peace with Great Britain, he recommends a declaration of war against Algiers; and accordingly, a few days afterwards, a bill authorising the capture of their vessels and property by the public and private armed vessels of the United States, was passed.

The last act of the session authorised a loan of eighteen millions five hundred thousand dollars.

The third of March closed the session, and the thirteenth Congress; and it has rarely happened that a country has passed so suddenly from a state of difficulty and danger to one of peace, safety, and unwonted prosperity as was then experienced by the United States.

A few facts in the naval annals of the United States now deserve notice.

On the fourteenth of January, Commodore Decatur, then in the *President*, and who was to command a small squadron intended for the East Indies, thought it safer, by way of escaping the English blockading squadron off New York, to put to sea singly in January. In consequence of her striking on the bar, she was delayed two hours, and the next morning fell in with the British squadron, composed of five vessels, which immediately gave chase. The *Endymion* frigate first coming up with the *President*, attacked her, when the Commodore determined on engaging her, and, if possible, to capture her by boarding; in which case he would abandon the *President*, and endeavor to escape in the *Endymion*, the *President's* sailing having been greatly impaired by the shifting of her ballast when she struck on the bar. But the manœuvres of the enemy prevented the execution of this plan. He therefore continued to engage the *Endymion*, and succeeded in silencing and beating

her off; but two other frigates coming along-side of the President, and the Majestic and Endymion being a short distance off, he surrendered. The Commodore refused to surrender his sword to the Captain of the Endymion, saying that had they been singly engaged, she would certainly have been captured, and that he struck to the whole squadron. They maintained, however, that he had been conquered by the Endymion alone.<sup>1</sup>

On the twentieth of February, the Constitution, commanded by Commodore Stewart, fell in with two men-of-war, and engaged them both. After crippling one, which he knew he could overtake, on closing with the other, she surrendered, and proved to be the British frigate Cyane, of thirty-four guns, Captain Gordon Falcon. He then overtook the other ship, which also surrendered, and proved to be the Levant, Captain Douglas, of eighteen thirty-two pound carronades, and two twelve-pounders. The loss on board these two vessels was forty men killed, and about double the number wounded. On board the Constitution four men were killed, and eleven wounded.

Having left Port Praya with his prizes, the Commodore was chased by a superior British squadron, from which he escaped with the Cyane, and both ships arrived safely in the United States; but the Levant, though she returned to Port Praya, and sought the protection of a neutral port, was recaptured by the British.<sup>2</sup>

On the twenty-third of March, the Hornet, one of Decatur's squadron, encountered the British brig Penguin, of eighteen guns, and a twelve-pound carronade. In approaching the Penguin, Dickinson, her Captain, was killed. Lieutenant M'Donald, running down on the Hornet, ordered his men to board; but they seeing the Hor-

<sup>1</sup> II. Cooper's Naval History, page 238.

<sup>2</sup> Ibid. page 232

net's men ready to repel them, refused to follow him. The Penguin surrendered in twenty-two minutes after the commencement of the action. She was so much disabled, that Captain Biddle thought it best to scuttle her. She lost fourteen men killed, and twenty-eight wounded. She was recaptured by the British.<sup>1</sup>

The capture of the Cyane, Levant, and Penguin was before the expiration of the time provided by the treaty for its legality. The Cyane, the only one which reached the United States, was taken into the service of the Government.

<sup>1</sup> II. Cooper's Naval History, page 240.

## CHAPTER XIX.

### MADISON'S ADMINISTRATION.

#### SECOND TERM.

1815—1817.

It can seldom happen that the change in the condition of a people can be so great as peace made in that of the United States. Annihilated as their foreign commerce had nearly been, during the last year of the war, by the British blockading squadron, all commodities not produced at home were scarce and dear. Some of these were obtained wholly from abroad, and others could be but partially supplied at home, as sugar, woollens, pottery, glass, hardware, and cutlery. From the same cause, our great staples—cotton, tobacco, and most agricultural products—were very low in price, so that every one's income was reduced at the very time that the cost of living was augmented. The currency was, every where south of New England, a depreciated paper, of different values in different places. The militia duty, too, was often most oppressive, by compelling men to serve in exposed, unhealthy districts. But by the return of peace all these evils disappeared. All imported merchandize fell to less than half its former price, and domestic products rose in a still greater proportion. The land and labor of every one, with their products, were suddenly doubled in value, and the same nominal amount would exchange for twice as much of foreign commodities. In this process of resto-

ration, a new vitality was given even to the disordered currency.

The war also afforded to the American patriot other causes of congratulation. It had proved that the people, without the ordinary preparation for military life, had great aptitude to make soldiers, and in that character had exhibited skill as well as courage. The navy afforded an unmixed cause of national joy and pride. Our seamen had, by so many examples of success, and of success so great, proved beyond a doubt that they were superior to the seamen of that nation which had been considered superior to all others. In consequence of the interruption to our foreign commerce, and of the supplies of foreign fabrics formerly obtained from abroad, a great encouragement had been given to the manufacture of the same articles at home, which new branch of industry, it was confidently expected, would add greatly to the wealth of the country, as well as to its comfort and independence.

There were also moral effects from the recent contest, which, though less obvious to ordinary eyes, were plainly discernible by the close observer. The struggles of our brave citizens by land and sea had been watched with the most anxious interest by the people generally, and this process had awakened an ardor of patriotism not experienced since the days of the Revolution. In the wish to see their country obtain the honor of victory, and surpass their adversaries in maintaining the rights of their country, and in avenging its wrongs, all ideas of gain were forgotten; and when Washington was successfully invaded, and its public buildings wantonly destroyed, the humblest individual in the land was ready to leave his quiet, happy home, and fly to arms. The love of country thus cherished by the events of war, did not subside with the war. The current once put in motion

continued to flow after its cause had ceased ; and in all the proceedings of the State Legislatures, and other deliberative bodies, a spirit of more enlarged beneficence, and a desire to advance every scheme which could give honor or profit to the State, was manifest — these motives sometimes, indeed, suggesting crude and visionary schemes, but always indicating an ardent love of country.

The shipping and the staple products of the country, which had so long been kept at home by the overpowering force of the British navy, now that that restraint was removed, poured forth in a stream of unexampled copiousness ; and as the value of our raw products was raised abroad in the same degree that it was depressed at home, their prices rapidly rose in the domestic market, and their holders, whether the original producers, or the merchants who had purchased them, were proportionally enriched. Cotton, which, with difficulty, had sold for ten cents the pound, now readily commanded more than twenty. Tobacco, which would not bring more than two or three dollars the hundred-weight, now rose to fifteen, twenty, and even twenty-five dollars a hundred. Land and labor took a proportional rise, and the country seemed to pass, as it were by magic, from the extreme of poverty and privation to that of affluence and luxury. The habits of the people, more susceptible than those of other nations of change, readily accommodated themselves to this sudden influx of wealth ; and the expenditure of all classes was at once adapted to the scale of their enlarged means. Gold watches were substituted for silver ones, silk fabrics for those of cotton, Madeira and Champagne for whiskey or other spirits ; and the furniture of the houses, especially in cities, immediately underwent a transformation in sofas and chairs, in carpets and mirrors ; and these changes took place when the only circu-

lating medium south of New England was the irredeemable paper of the banks, and sometimes of irresponsible individuals.

The ready supply of fabrics at once cheaper and better than those made at home, operated very severely on the infant manufactures of the country, and was a death-blow to those which could not enter the lists with their new competitors. Most of them wound up their affairs, while a few, more venturous, struggled on in the hope of sustaining themselves by means of greater economy, of the improvement which experience naturally begets, and of the protection which the National Legislature might eventually give them. The loss to this class made less impression, because every other interest was prosperous beyond example; and it also excited less complaint, because there was no difficulty in transferring their labor and capital from a losing to a profitable employment. The only general subject of dissatisfaction was the currency, which, depreciated every where, had one depreciation in one place, and another in another.

Such was the condition of the country — prosperous, self-indulgent, exulting in its naval and military achievements, scheming and adventurous both for the public welfare and individual profit, with the single drawback of a disordered currency.

While the country was rejoicing at the return of peace, and was especially elated by the glorious defence of New Orleans, the friends of General Jackson, who thought obedience to the laws to be the first of civic virtues, were shocked and grieved to learn that, before he disbanded his army, he had wantonly set the civil authorities at open defiance. The facts of the occurrence referred to, which have been much commented on, in

estimating the character of that remarkable man, appear to have been as follows :

The General, aware of the motley and disorderly population then residing in New Orleans, distrusting the fidelity of some of its citizens, and not entirely confiding in the Legislature, at least in its firmness, was induced, on the fifteenth of December, to proclaim martial law—which measure appears to have been approved by every branch of the State Government. But after the news of peace, and of the withdrawal of the British forces from New Orleans, he ordered some Frenchmen (whose exemption from duty had been claimed by the French Consul) to remove out of the lines of defence. This order was assailed and, as the General says, misrepresented, in a public journal, and the writer, Louaillier, who was a member of the Legislature, maintained that martial law ought not to be longer continued.

General Jackson deeming the publication dangerous in its character, and tending to mutiny, ordered the arrest of Louaillier; and on learning that the latter had applied for a *habeas corpus*, and that an order for that writ had issued, he ordered the arrest of Judge Hall, who had granted it; and lastly, he arrested the District Attorney, who had applied for a *habeas corpus*, to effect the liberation of Judge Hall.

These high-handed measures were justified by the General, on the grounds that he had no official notice of the treaty; that its terms were not known; that it might not be finally ratified; that there was much disaffection, as well as insubordination in New Orleans, of which the enemy, by returning, might easily avail themselves; and that he did not, therefore, think it prudent or safe to revoke his proclamation of martial law. Supposing that in force, his arrests were allowable and proper.

When the Judge had resumed his functions, he ordered process against General Jackson for contempt of court in preventing the execution of the writ of *habeas corpus*. The General offered an answer, which, under eleven separate heads, assails the legality of the *habeas corpus* at great length, justifies the whole of the General's course, and very freely comments on the conduct of Judge Hall. But he was allowed to read only such parts as related to his legal defence. The Judge having decided that General Jackson had been guilty of a contempt, fined him a thousand dollars. Though this fine was immediately discharged by General Jackson's check to the Marshal, the people of New Orleans proposed to pay it; and to enlarge the number of contributors, no one was permitted to contribute more than one dollar.<sup>1</sup> General Jackson, however, refused to accept the subscription, and the money was refunded to him by Congress, in 1844.

War having been declared against Algiers, the Administration determined to send to the Mediterranean a naval force which that power would not be able to resist. Two squadrons were accordingly ordered to be fitted out, under Commodores Bainbridge and Decatur, of which Bainbridge was to have the chief command.

Decatur's squadron, fitted out at New York, was first ready, and it left that port on the twentieth of May. It consisted of the *Guerriere*, of forty-four guns, the Commodore's ship, Captain Lewis; the *Constellation* and *Macedonian*, each of thirty-six guns; the *Ontario* sloop-of-war, of twenty-two guns; brig *Epervier*, of eighteen guns; three smaller brigs, and two schooners.

Soon after the squadron entered the Mediterranean, it fell in with an Algerine frigate of forty-four guns, which in vain attempted to escape. The *Guerriere* retained her

<sup>1</sup> VIII. Niles's Register, page 342.

fire until she was along-side of the Algerine, which, after receiving two most destructive broadsides, surrendered. She proved to be the Mashouda, commanded by the Algerine Admiral, who had been killed in the commencement of the action, and whose death was thought to have shortened the contest. The cool, steady valor of the Guerriere's crew was strikingly exhibited on the bursting of one of her guns, by which five men were killed, and thirty were badly wounded or burnt. They afterwards took the brig Estedio, of twenty-two guns.

Bainbridge, Decatur, and William Shaler, Consul-general to the Barbary Powers, had been made Commissioners to negotiate a treaty of peace with Algiers. Decatur, hearing that the Algerine fleet, on learning the arrival of the American squadron, had taken refuge in Malta, thought it was a favorable moment for him and Shaler, then on board the Guerriere, to make a treaty with Algiers, for which he immediately sailed.

The Dey was taken by surprise, and now first heard of the capture of his ships. Aiming at first to conciliate and temporize, he invited the Commissioners to visit him; but this they positively declined, and they told his agent that the negotiation must be carried on on board the Guerriere. They at the same time sent the draft of a treaty, to which the Dey must assent without delay, on pain of having his squadron captured. He finally yielded, and signed the treaty. It consisted of twenty-two articles, guarding against every injury and abuse to which Americans had been previously exposed. Its most important provisions were, that no tribute, in any form whatever, should be thenceforth required of the United States: that no Americans should be enslaved: that American vessels should be treated hospitably in Algiers: that in case of war between the United States and any

other Power, Algiers should be neutral. Compensation is secured to American citizens who have been detained or deprived of their property. Provision is made for the rights and indemnities of Consuls. The captured vessels were returned to the Dey.

While this humiliating negotiation was going on, the Dey's Prime Minister is said to have remarked to the British Consul, "You told us that the Americans would, in six months, be swept from the ocean by your navy, and now they make war upon us with some of your own vessels, which they have taken from you!"

This treaty, which secured to the United States greater advantages than any other nation had then obtained from the Algerines, was effected in twenty-four hours after Decatur's arrival, and in forty days from the time that he left New York.

The Commodore then proceeded to Tunis and Tripoli, where, by the same bold and summary process, he compelled those piratical States to indemnify, by payment in coin, the American citizens whom they had injured.

Early in August, Commodore Bainbridge arrived with his squadron, consisting of the *Independence*, of seventy-four guns, which had been built and fitted out in Boston under the direction of the Commodore; the frigate *Congress*, the sloop-of-war *Erie*, a brig, and a schooner. He was soon after joined by another detachment, under Commodore Shaw, comprehending the frigate *United States* and four brigs.

Decatur having sent the rest of his ships to join Bainbridge, proceeded to Sicily, to land there a family whom he had released from captivity in Tripoli. While on this voyage, he fell in with the Algerine fleet of four frigates and three sloops. Thinking that they might be tempted to seek amends for the disgrace of the treaty, he ordered

his men to quarters, and prepared for action. As he passed the Admiral's ship, the *Guerriere* was hailed with the usual nautical question, "*Where* are you bound?" to which Decatur himself, taking up the trumpet, answered, "*Where* I please." He received no other interruption.

The whole naval force of Bainbridge was, in October, collected at Gibraltar, consisting in all of eighteen sail—a display which excited no small surprise in Europe, since it was so soon after a war with the most powerful of all nations at sea.

Amid these occurrences, so gratifying to professional and patriotic pride, the navy of the United States sustained a heavy affliction, which was the more keenly felt, as it had not its wonted accompaniments of glory. Decatur, who was ever prompt as intrepid, early in July despatched the brig *Epervier* to the United States, to carry the Algerine treaty. She was commanded by John T. Shubrick, and carried as passengers, Captain Lewis, Lieutenants Neale, Yarnall, and Drury, other officers, and the prisoners released from servitude. The *Epervier* was never more heard of.

Soon after the ratification of the treaty of peace was known, the American prisoners of war who were in the Dartmoor prison exhibited great restlessness and impatience to be released; in consequence of which, Captain Shortland gave orders that the alarm-bell should be rung on some appearance of disorder among the prisoners: when a number of them, before quiet was restored, rushed towards the gates, with the belief that their fellow-captives meant to try to effect their escape; on which the guard were induced to fire on the prisoners, thus killing or wounding several, but not until they refused to return to the part of the prison assigned to

them. On this unfortunate occasion, seven were killed, thirty were dangerously wounded, and thirty slightly. The number of prisoners was between three and four hundred.

To Mr. Gallatin and Mr. Clay, who were returning to the United States by way of England, Lord Castlereagh, the British Minister for Foreign Affairs, took occasion to speak of this affair at Dartmoor prison as a matter of real regret. He proposed that as the statement made of the transaction by the American prisoners was very different from that reported by the British officials, an inquiry should be made into the facts; and he proposed that one of the Commissioners from each nation at Ghent should proceed to Dartmoor, and make a joint report of the facts. The American Commissioners were willing to have a joint report, but doubted whether they could take that office upon themselves. The plan was, however, adopted, and Charles King, of New York, and Francis Seymour Larpent, on the part of England, were appointed to collect the testimony.

According to the report made by these gentlemen, it appeared that Captain Shortland was justified in ordering the alarm-bell to be rung, and that what followed was the result of confusion and mistake. The liveliest regret was expressed by the Prince Regent for the result, and he offered to provide for the families of the sufferers. Neither the troops nor the prisoners were acquitted of all blame in the affair.

Congress assembled at its appointed time, in December. The President, in his opening message, informed both Houses of the termination of the war with Algiers. Commodore Decatur, who commanded the squadron sent to the Mediterranean, after capturing two of the Algerine ships, one their largest vessel, made a peace without

delay, by which all pretensions to tribute were abandoned. This affair, with the appearance of a still larger naval force in that sea, afford us a security against the future hostilities of the Barbary States.

The treaty with Great Britain had been followed by a commercial convention with that Power, which is framed with a view to the reciprocal benefit of the parties; and he suggests that the same object may be furthered by confining American navigation to American seamen, and which would also render our navigation more independent, and increase the means of our national defence.

In conformity with the treaty of Ghent, means were immediately taken for making peace with the nearer Indian tribes. The more distant "remain to be brought over by further explanations," or other means adapted to the circumstances. The tribes on the southern frontier have again shown a restlessness which the Government has taken measures to repress.

The reduction of the army to the peace establishment presents several difficulties which can be removed only by the Legislature.

That, notwithstanding the embarrassments for want of an uniform national currency, the public credit has revived, and the public resources have proved efficient. The receipts into the treasury for nine months are estimated at twelve and a half millions of dollars, and the issues of treasury-notes at fourteen millions, and nine millions have been obtained by loan. From these sums there have been paid thirty-three and a half millions, leaving three millions in the treasury. He says that five millions more will be wanted for the expenditures of the year.

The national debt on the first of October preceding,

amounted to one hundred and twenty millions; but there will probably be some additions in the settlement of various existing claims. A part of this money has been expended, not on objects of a transient nature, but in increasing the navy, and in military works of the national defence.

He earnestly recommends to their consideration the subject of an uniform national currency. Until the precious metals can be again rendered the general medium of exchange, Congress ought to provide a substitute, inspiring the confidence of the country, and suited to its wants. If the State banks cannot produce this result, a national bank will merit consideration; and if neither be deemed effectual, then he suggests the treasury-notes as a medium of circulation.

The completion and extension of works of defence are recommended; also the establishment of an invalid corps, the enlargement of the Military Academy of West Point, and the erection of others; also the classification and organization of the militia.

The subject of the navy, its preservation and enlargement, are emphatically noticed.

Manufactures are recommended to protection, they being regarded by him as an exception to the general rule in favor of free trade. He suggests the principles on which discrimination of different branches of manufactures should be made.

He dwells on the importance of roads and canals, and says, that while the States are actively engaged in these useful undertakings, the General Government is still more urged to these, which require a national jurisdiction and national means. Any defect of power from the Constitution may be supplied in the mode pointed out by the Constitution itself.

He speaks favorably of a national seminary of learning in the District of Columbia. He ends with warm congratulations on the happy destinies of the country, and of the grateful reflections that are suggested by a review of the late scenes which the nation has passed through, and of the brilliant future that awaits it.

He soon afterwards communicated a copy of the convention lately made with Great Britain, and which had been duly ratified. It consisted of five articles. By the

First, There shall be a reciprocal liberty of commerce between the territories of the two countries; securing to their citizens and subjects respectively, the right of residence, of trading, and of exit from the country of the other.

Second. No higher duty shall be imposed by either on the import of any articles the production of the other, than are imposed on the like articles imported from any other country, and the like restriction on the export. No higher port-charges shall be imposed by either nation on the vessels of the other nation, than are imposed on their own. The same duties shall be paid on imports owned by citizens or subjects of the other country, that are paid on similar articles owned by their own citizens or subjects. The same as to duties and bounties on exports. The same as to drawbacks. These articles do not apply to the West Indies.

Third. The vessels of the United States shall be admitted into the British settlements in the East Indies, and carry on trade in all articles not prohibited, except that in time of war they shall not export any military stores or rice; and the American vessels shall pay no higher duties than the most favored nation, but they shall carry any articles from those settlements to any

ports, except to those of the United States. Nor shall they engage in the coasting trade of those territories.

Fourth. Each party may appoint Consuls in the ports of the other; each party, except from the residence of Consuls, any places they may think proper.

Fifth. This convention shall be binding for four years from the time of its ratification.

This convention gave occasion to a disagreement between the two Houses of Congress as to the respective limits of the treaty-making and legislative powers under the Constitution, and which was essentially the same as that discussed in 1795, in the debate on Jay's treaty. This disagreement we may now follow to its termination.

In the House of Representatives, Mr. Forsyth, Chairman of the Committee of Foreign Relations, reported a bill to regulate the commerce between the United States and Great Britain according to the convention of July, 1815. The bill makes special enactments to secure to the British territories the commercial benefits stipulated by the convention. The Senate, in the succeeding month (January), passed a short bill with the same object, which simply declares that so much of any act or acts of Congress as conflicts with the provisions of the treaty were void. This bill was sent to the House, while the bill reported by Mr. Forsyth was under discussion. The House, instead of acting on the Senate's bill, proceeded to pass its own; but the same was disagreed to. It then took up the bill from the Senate, and having amended it so as to make it conform to the original bill of the House, passed it. The Senate disagreeing to the amendments, a conference took place between the two Houses.

A majority of the Senate contended that as a treaty

was the supreme law of the land, it was unnecessary to enforce the provisions of the convention by legislation, but that they executed themselves; that if the Legislature did interfere, the most it could do was to pass a declaratory act, which imposed no new obligation.

In the House, on the other hand, the majority insisted that a treaty was no more the supreme law than an act of Congress; that in all cases, where a treaty requires an act of Congress to carry it into execution, Congress may, in its discretion, refuse to pass the required act. On a contrary supposition, there is no power given by the Constitution to Congress, which the President may not rescind and abrogate. He may alienate any part of the national domain and its population, as well as acquire territory; may levy or repeal taxes, disband or raise armies, create or destroy navies; and thus remove every safeguard which the Constitution has erected against the exercise of dangerous and arbitrary powers. The only fair and rational construction to this part of the Constitution is, that the treaty-making power shall be so exercised as not to control the powers plainly given to other branches of the Government.

The question was argued with great ability in both Houses. In the Senate, Messrs. James Barbour of Virginia, and Fromentin of Louisiana, spoke on the side of the majority; and Messrs. Macon of North Carolina, and Roberts of Pennsylvania, in favor of the minority.

In the House, Messrs. Forsyth, Wylde, Philip P. Barbour, Randolph, Tucker, Sheffey, King, Root, Taylor of New York, and Lowndes, maintained that Congress might give or withhold its concurrence with the provisions of a treaty. While Messrs. Calhoun, Gold, Hopkinson, Mills, William Pinckney, Hardin, and Hanson, strenuously urged that the bill of the House, and, conse-

quently, the amendment to the Senate's bill, was unnecessary. The majority was small in each House.

The managers of the conference between the two Houses, on the nineteenth of February, 1816, reported the result of that conference. They aim to show that "there is no irreconcilable difference between the two branches of the Legislature.

"They are persuaded that the House of Representatives does not assert the pretension that no treaty can be made without their consent; nor do they contend that, in all cases, legislative aid is indispensably necessary, either to give validity to a treaty, or to carry it into execution. On the contrary, they are believed to admit that to some, nay, to many treaties, no legislative sanction is necessary.

"On the other hand, the committee are not less satisfied that it is by no means the intention of the Senate, to assert the treaty-making power to be, in all cases, independent of the legislative authority. So far from it, that they are believed to acknowledge the necessity of legislative enactment to carry into execution all treaties which contain stipulations requiring appropriations, or which might bind the nation to lay taxes, to raise armies, to support navies, to grant subsidies, to create States, or to cede territories, if indeed this power exists in the Government at all. In some or all of these cases, and probably in many others, it is conceived to be admitted, that the legislative body must act, in order to give effect and operation to a treaty; and if in any case it be necessary, it may confidently be asserted that there is no difference in principle between the Houses; the difference is only in the application of the principle. For if, as has been stated, the House of Representatives contend that their aid is only in some cases necessary, and

if the Senate admit that in some cases it is necessary, the inference is irresistible, that the only question in each case that presents itself is, whether it be one of the cases in which legislative provision is requisite for preserving the national faith, or not."

The committee of managers then agree that it is safer, in every doubtful case, to legislate; that both Houses have shown, on the present occasion, that they consider a legislative act necessary, and the only question was, which of the two acts was to be preferred.

The committee then assign their reasons why they prefer the amendments offered by the House of Representatives; but, in a spirit of compromise, they recommend to each House to recede from part of the ground it had occupied, so that the House withdrew its objection to the word "declared," in the Senate's bill, by which it becomes a declaratory act, and the Senate assented to the other amendments made by the House.

From the lively interest manifested by both parties in this controversy, from the acknowledged talents and weight of character of their respective advocates, and their approach to equality of strength in each House, it is probable that treaties in which legislative enactment is required to give them effect, will often prove sources of contention between the two Houses or two parties, to be finally settled, as on this occasion, by the paramount considerations of the plighted faith of the nation, and of the public welfare.

On the thirtieth of December, the President communicated to Congress the correspondence between Don Luis de Onís, the Spanish Minister, and Mr. Monroe, the Secretary of State.

De Onís says that the direct and official relations between Spain and the United States having been broken off

since 1808, their affairs should now be placed in the same situation as they then were, and that, in conformity with this proposition, that part of West Florida which the United States had taken possession of, during the insurrection of Spain (against the power of Napoleon), should be restored to His Catholic Majesty, which would not impair any right that the United States may have to it.

The second point relates to the unauthorised armaments fitted out in the United States, and especially in New Orleans and Natchitoches, to light the flame of revolution in New Spain; and which continue, in spite of the proclamation of the President. He says that an expedition was at that time fitting out to assail Mexico, which offences ought to be prosecuted and punished; that the troops thus raised should be dispersed, and the recurrence of such offences be prevented.

The third point, that the President should give orders not to admit vessels under the insurrection flag of Carthage, of Mexico, of Buenos Ayres, or other revolted place. As the independence of these places had not been acknowledged, the tolerance of their vessels was contrary to the stipulations of the United States.

In a subsequent letter, Don Luis informs Mr. Monroe that the expedition from New Orleans, which he had previously mentioned, had been suspended until one thousand men arrived from Kentucky, and three hundred from Tennessee, and these were expected in twenty-four days. If these hostile movements are continued, Spain will have cause to believe that, if not authorised by the Government of the United States, they are at least tolerated. He then addresses the interests of the United States; suggests that, in the event of Mexico's becoming independent, there would be a great loss of

the population of the United States by the emigration to Mexico, by reason of its numerous attractions.

Mr. Monroe replied on the nineteenth of January, 1816. In answer to the first point of the Minister's application, that the possession of West Florida should be restored to Spain, he says that it had been hoped that the King of Spain would not have overlooked the claims of the United States in pressing his own. The two subjects are inseparably connected, and that those of the United States may be considered and provided, he exhibits them in detail. They consist of the unlawful condemnation of their vessels; of the suppression of their right of deposit at New Orleans; of Spain continuing to hold territory east of the Perdido, which had been ceded by France as a part of Louisiana; and lastly, permitted breaches of neutrality by British troops, and by Indian tribes in Florida. He says, if the right to this territory is to be made the subject of amicable negotiation and discussion, as he suggests, that can as well take place if the possession remains with the United States as with Spain.

As to the second point, he says that the Minister's information is not precise, and is very different from that obtained by the United States, according to which no men are collected, nor is it designed to collect any in Kentucky, Tennessee, or Georgia, for the purpose alleged: that the force under Toledo (the principal) is inconsiderable, and consists chiefly of Frenchmen and Spaniards. If there are citizens of the United States among them, their conduct is unauthorised and illegal. Further information is asked, and if such force is within the United States, it will be dispersed, and the parties prosecuted. This Government has no authority to surrender any Spanish subject for an offence beyond its jurisdiction.

As to the third point that, in consequence of the unsettled state of many countries, the President had ordered the collectors not to make the flag of any vessel the criterion of its admission into the United States; having taken no part in these differences and convulsions, it is their duty to receive the vessels of all countries, pirates excepted. In the contest between Spain and her colonies, the United States have taken no part; in proof of which he refers to the proclamations issued by Governors of States and the President himself.

He concludes with the remark, that if the restoration of the diplomatic intercourse between the two countries should not prove favorable to their future friendship, the fault will be imputable to Spain.

On the thirty-first of January, the President, in compliance with a resolution of the House, communicated the information the Government had received respecting the affair of the American prisoners at Dartmoor, containing all the evidence, both American and British, relative to that unfortunate affair, and its final adjustment.

The recollection of what the country had suffered in the late war for the want of military talent, and the acknowledged benefits which the public service had derived from those who had been educated at the Military Academy at West Point, had induced Richard M. Johnson, of Kentucky, to propose the establishment of three similar Academies in other parts of the United States. The scheme seemed to be, at first, greatly favored; but in the course of the debate to which it gave rise, doubts were entertained whether it would not be better that all the cadets should be educated at one school than at several. There was also discordance about the sites of the Academies, in case it should be decided to have

several. At length the number of additional Academies was reduced to one, to be established at Knoxville, in Tennessee, and the bill was ordered to a third reading, but was not subsequently acted on.

The establishment of a national bank was one of the engrossing subjects of the session, because it would furnish the country with a specie circulation, instead of the wretched paper currency which prevailed in most of the States, and would hasten the return of the State banks to cash payments. A farther encouragement was also found in the fact that, in the altered condition of the country, by reason of the peace, it would not now be difficult to obtain the specie required for the national bank.

According to the plan recommended by Mr. Dallas, its principal features were as follows:—Its capital was thirty-five millions of dollars, in shares of one hundred dollars; the Government to own seven millions, which portion was to be paid by the Government in stock, bearing six per cent. interest; and by individuals one-fourth, or seven millions in specie, and twenty-one millions in public stocks, the rates for each kind of stock being specified in the bill; which stock the bank might sell, in its discretion.

The charter was extended to twenty years. The bank was under the government of twenty-five directors, of which the Government was to appoint five.

Branches to be established in the States by the directors, under the management or direction of thirteen persons to be appointed by the directors. Seven directors were necessary to transact business. The whole debts of the bank were not to exceed fifty millions, exclusive of money due for deposits. The bank is prohibited from purchasing any public debt; from lending

more than five hundred thousand dollars to the Government, or more than fifty thousand dollars to a State, unless authorised by law. Statements to be made when required by the officer at the head of the United States treasury.

The bank to transfer the funds of the Government from place to place within the United States, and the deposits of the public money to be made in the bank and its offices, unless the Secretary of the Treasury should otherwise direct, in which case he shall assign his reasons to Congress.

The books and papers of the bank to be examined at any time by a committee of Congress appointed for that purpose. Some of the provisions of the bill were objected to by members of each party. The following were the principal objections :

Mr. Sergeant proposed to reduce the capital from thirty-five to twenty millions. He was supported by Messrs. Webster, Hopkinson, and Ward; and opposed by Messrs. Wright, Tucker, Cuthbert, and Sharpe. The amendment was rejected by seventy-four votes to forty-nine.

The motion to strike out the Government subscription for seventy thousand shares was supported by Messrs. Jewett and Ross, and opposed by Mr. Wright. It was rejected by sixty-one votes to thirty-eight.

The motion by Mr. Smith, of Maryland, to substitute for the interest on the loan to the Government five, instead of six per cent., was carried by sixty-three votes to forty.

The provision which gives to Congress the power of authorising the bank to suspend specie payments, at first objected to, but retained, was finally struck out by a large majority.

The amendment that no bank should be established in a State without the consent of its Legislature, was rejected.

The bill passed the House of Representatives by eighty votes to seventy,<sup>1</sup> and the Senate by a correspondent majority. Some who had no objection to the measure on the score of expediency, voted against it as believing it to be contrary to the Constitution.

In February, Mr. King offered a resolution to inquire into the expediency of excluding from the ports of the United States all foreign vessels owned in, coming from, bound to, or touching at any of the British dominions in America, from which American vessels are excluded; and of prohibiting, or increasing, the duties on the importation in foreign vessels of the products of those countries.

He supported the resolution in a speech, in which he showed the extreme rigor and injustice of the British colonial system, and the policy of retaliating it. The subject gave rise to some debate, though to no opposition, and the resolution was subsequently adopted.

In March, Mr. Randolph, adverting to the fact that the District of Columbia was made a place of deposit for the slave-trade of the neighboring States, by way of putting a stop to a practice "so heinous and abominable," he offered a resolution for the appointment of a committee to inquire into the existence of an inhuman and illegal traffic in slaves carried on in the District of Columbia, and to report whether any, and what, measures are required for putting a stop to it; which was passed, without serious opposition. This committee consisted of Messrs. Randolph, Hopkinson, Goldsborough, Mayhart, and Kerr.

Among the bills passed at this session there was no

<sup>1</sup> Annals of thirteenth Congress, page 1219.

one which excited so much interest among the people generally as that to alter the mode of paying members of Congress. Instead of the daily pay they previously received, the new law gave to each member a standing salary of fifteen hundred dollars. The majority in its favor, in the House of Representatives, was eighty-one votes to sixty-seven. In the Senate, the vote was twenty-two for the bill, and eleven against it.

The popular clamor against it was loud in every State, and it gave a violent shock to the confidence which the people had previously felt towards their public men. They said it was a dangerous precedent, and if they were now suffered with impunity to vote money into their own pockets, they might hereafter take advantage of the precedent to vote a much larger sum; and that a mercenary spirit might thus be generated, which would be ever seeking the means of gratification, and to which the public interests would often be corruptly sacrificed: that if the sessions were lengthened by the plan of daily pay, which was one of the arguments used by the friends of the bill, they would be shortened by a standing salary, which might prove a greater evil: that if the act had been passed from pure and disinterested considerations, they would have postponed its consideration till the succeeding Congress, by which time their successors, instructed by the public sentiment, might decide whether they would continue the law or repeal it.

These, and the like arguments, had so much influence with the public, that a large majority of those who voted for the law were, at the ensuing election, left out; and at the next session of Congress the law, by a large majority, was repealed, and a daily compensation of eight dollars substituted, instead of the six dollars a day previously paid.

Before Congress adjourned, the members of the Republican party held a *caucus*, to consult on their candidate for the Presidency; when it appeared that there was a majority of the members who were in favor of James Monroe,<sup>1</sup> whose long and faithful services as Minister abroad, and as Secretary of State, were thought to give him higher claims than to any other competitor.

In the autumn the election was held, and he received one hundred and eighty-three of the two hundred and seventeen votes, as President; and Daniel D. Tompkins received the same number of votes as Vice-President. The Federal party gave Rufus King, of New York, thirty-four votes, as President; and the votes for the office of Vice-President were divided among four persons.<sup>2</sup>

One of the great objects of those who favored the establishment of a national bank was to compel the State banks to resume specie payments, which all south of New York had suspended.

The Secretary of the Treasury having been consulted on the subject, proposed that, after a certain day, no payments should be received at the treasury but in specie: no Government deposits should be made but in specie-paying banks: that legal measures be taken to obtain legal money for all deposits of the United States: and that a graduated stamp-duty be laid on all banks and bankers not paying their notes.

<sup>1</sup> James Monroe had sixty-five votes, and William H. Crawford fifty-four. Daniel D. Tompkins had eighty-five votes, and Simon Snyder thirty votes, as Vice-President. Twenty-four Republicans were absent — nine out of the city, and fifteen from scruples about the propriety of such meetings.

<sup>2</sup> John E. Howard, of Maryland, received twenty-two votes; James Ross, of Pennsylvania, five; John Marshall, of Virginia, four; Robert G. Harper, of Maryland, three; making a total of thirty-four votes.

In the course of this year, various amendments to the Constitution of the United States were proposed, either in Congress or the State Legislatures: to make the election of the President uniform throughout the Union, by districts: to elect members of Congress, who should also be elected by districts: that no law to increase the pay of members should take effect until the next succeeding Congress: none of which succeeded, or made any approach to success.

On the thirty-first of December, the President delivered his last annual message to Congress. He adverts to the partial failure of crops; but says, in the variety of soil and climates of the United States, the deficiency of some districts is compensated by abundance in others.

There had been a general invigoration of industry in the commerce of the country since the peace; but this benefit has been attended with a depression in some branches of manufactures and a portion of the navigation. In a guarded way, he recommended the first to the notice of the Legislature. The depression of the navigation he attributes to its exclusion from the colonial ports of Great Britain, which, in several ways, gives a great advantage to British shipping. As Great Britain avowedly prefers a course of reciprocal restrictions to one of reciprocal intercourse, he recommends the former to the consideration of Congress.

The only exception to our good understanding with foreign Powers has been an attack on one of our public vessels by a Spanish naval force in the Gulf of Mexico, but which had not the sanction or approval of the Spanish Government.

The Dey of Algiers has again threatened hostilities, in case the former tribute is not renewed. He has been

told that war was preferred to tribute, and the result is not yet known.

All is quiet with the Indian tribes, and the former liberal policy of the Government has been revived; and their habits of civilization are manifestly improving.

The reorganization of the militia is particularly recommended to the notice of Congress, as is also the subject of weights and measures. He again brings to their notice a university in the District of Columbia, and a system of roads and canals—inviting an exercise of the powers they already possess, and, where necessary, the prescribed mode of enlarging them.

A revision of the criminal laws is advised, and he submits whether the success of experiment may not, in certain cases, justify a more liberal policy.

The subject of the slave-trade, he suggests, well deserves and requires further legislation, the traffic being, it is said, still carried on by American citizens under foreign flags; and that collusive importations of slaves are made from adjoining territories.

To this long list of legislative reforms, he adds the re-modification of the judiciary department, the creation of an additional department in the Executive branch of the Government, and an addition to the salary and accommodations of the Attorney-general.

He takes an encouraging view of the finances. The receipts of the treasury, exclusive of loans and treasury-notes, will be about forty-seven millions. The surplus in the treasury will be about nine millions. The floating debt of the treasury will soon be discharged. The funded debt has been estimated, on the first of January, at one hundred and ten millions; the ordinary expenses of the Government at twenty millions; and the permanent revenue at twenty-five millions. But for the purposes

of the treasury, as well as the interests of the community, it is important to have a currency of uniform value and use. The national bank has been organized, and promises to be a useful auxiliary in this object.

He expresses, in glowing language, his gratitude for the favor of his countrymen, and adverts to the many causes they have of national congratulation and pride.

He dilates on the higher attributes of the Federal Government, whose conduct, within and without, may bespeak the most noble of all ambitions — that of promoting “peace on earth, and good will to man;” and thus concludes :

“These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.”

In these various schemes of amelioration, one sees something of that over-anxious desire of promoting the public welfare which has been mentioned, and in which the patriotism evoked by the war manifested itself. The President’s benevolent views were seconded by Congress, and all his schemes of reform were referred to standing or special committees.

The President, with his annual message, sent a copious report on the finances, from Mr. Dallas, dated the twentieth of September; soon after which he resigned, and William H. Crawford was appointed his successor.

The annual report of Mr. Dallas, the Secretary of the Treasury, presented a very copious view of the public finances under the three heads of: — First, the financial operations of the Government in reference to the war; second, the revenue and expenditures for the current and succeeding year; third, plans for the improvement of the revenue and the support of public credit.

Under the first head, he showed that the actual receipts into the treasury from revenue, loans and treasury-notes, in the years 1812, 1813 and 1814, amounted to ninety-eight millions forty-two thousand three hundred and nine dollars; and the actual disbursements, in the same time, to one hundred millions seventeen thousand five hundred and fifty-seven dollars.

But as both the receipts and disbursements, in 1815, are principally on account of the war, if these be severally added, the amount of receipts connected with the war will be one hundred and thirty-seven millions four hundred and fourteen thousand three hundred and nine dollars; and of disbursements, one hundred and thirty-three millions seven hundred and three thousand three hundred and eighty dollars.

The public debt unsatisfied on the thirtieth of September, 1812, amounted to thirty-nine millions one hundred and thirty-five thousand four hundred and eighty-four dollars, had been increased by sixty-three millions one hundred and forty-four thousand nine hundred and seventy-two dollars of funded debt, and by seventeen millions three hundred and fifty-five thousand one hundred and one dollars of unfunded debt; so as to make the total national debt, on the thirtieth of September, 1815, amount to one hundred and nineteen millions six hundred and thirty-five thousand five hundred and fifty-eight dollars.

Under the second head, he shows that the probable receipts in 1815, from all sources, may be estimated at forty-eight millions eight hundred and forty-nine thousand six hundred and thirteen dollars, and the payments at thirty-eight millions six hundred and eighty-six thousand three hundred and twenty-three dollars. For the year 1816, the probable demands on the treasury are

estimated at forty-two millions eight hundred and eighty-four thousand two hundred and sixty-nine dollars; and the sums receivable from the revenue, according to its proposed modification, at thirty-three millions four hundred thousand dollars.

Under the third head, he proposes a reduction of the direct tax from six to three millions a year after 1815, a discontinuance of some of the internal duties, and a modification of others.

He proposed to increase the sinking fund from eight to ten millions a year, which will be sufficient, after paying the sums charged on it, to pay off the whole of the funded debt in less than eighteen years.

On the subject of a national circulating medium, he strongly recommends a national bank with a capital to consist of three-fourths of the public stock, and one-fourth of gold and silver.

On the twentieth of December, the President communicated to the House of Representatives Mr. Crawford's Treasury report.<sup>1</sup> After giving the receipts of the years 1814 and 1815, he estimates the receipts from revenue, in 1816, at forty-six millions nine hundred thousand dollars; to which, if the receipts from loans and treasury-notes, ten millions seven hundred and sixty thousand dollars, and the amount of money in the treasury, thirteen millions one hundred and six thousand dollars, be added, the total receipts will be upwards of seventy millions of dollars.

The disbursements for the same year, on account of the public debt and entire expenses of the Government, he estimates at fifty-two millions two hundred and sixty-two thousand dollars, leaving eighteen and a half millions in the treasury.

<sup>1</sup> Annals of fourteenth Congress, page 1159.

He estimates the public debt, on the first of January, 1817, at one hundred and nine millions two hundred and sixty-six thousand dollars, exclusive of the debt to the bank, to the Yazoo claimants, and to the sinking fund.

He makes similar statements for the years 1817, 1818, 1819 and 1820, showing in prospect an excess of receipts over expenditures, and a steady increase of the sinking fund, which is the same as the diminution of the debt.

The Secretary of the Treasury wrote a circular letter to the State banks, informing them that the Bank of the United States would go into operation on the first of January, and inviting them to resume specie payments on the twentieth of February, instead of the first of July. as they had determined on, in which case he would not have the public money deposited with them transferred to the Bank of the United States.

Mr. Forsyth offered a resolution,<sup>1</sup> that the Committee on National Currency inquire whether the Bank of the United States had adopted any arrangement by which the payment of the specie portion of the second instalment could be evaded or postponed, and whether the payment of such specie could not be enforced.

This resolution referred to the loans or discounts granted to subscribers to the bank to meet the second instalment; which accommodation Mr. Forsyth considered to be partial, unjust, and not authorised by the charter.

The practice thus reprehended by Mr. Forsyth, of allowing the last instalments of the subscription to the capital of a bank to be paid by loans obtained from the bank, and which has now become universal, seems to be salutary or unwise, according to circumstances. When

<sup>1</sup> Annals of fourteenth Congress, page 432.

a bank charter is granted, it may easily happen that the amount of the specie capital fixed on by the Legislature may be much greater than that portion of specie which can be diverted from other objects to the bank; in which case, such loans or discounts are justifiable and useful. They happily adapt the new bank to the existing quantity of gold and silver. But if the specie would be otherwise attainable, then the practice in question is unwise. It lessens the amount of specie on which the bank begins its operations, and proportionally lessens its profits; since the amount of paper which a bank can safely circulate is in proportion to its specie, and the interest or profit which it receives from its paper is the same as that received from its gold.

After some debate, the resolution was adopted by eighty-nine votes to sixty-eight.<sup>1</sup>

Mr. Calhoun, from the Committee on National Currency, then made a report, accompanied by a long letter from Mr. Lloyd, of Boston, one of the bank directors, which completely justifies the bank as to the propriety of its course, and further shows that the bank, aware of the present scarcity of gold and silver in the United States, had sent an agent to Europe to procure specie.

Mr. Forsyth, however, some days later, offered two resolutions condemning the course of the bank, which were referred to the Committee of the Whole; but they were, in the last part of the session, on his own motion, indefinitely postponed.<sup>2</sup>

This was the beginning of the hostility to the national bank, which subsequently taking a wider range, became in the United States, as the moneyed institutions have occasionally done in other countries, a part, and an interesting part, of their political history.

<sup>1</sup> Annals of fourteenth Congress, page 435.

<sup>2</sup> Ibid. page 1053.

One of the first acts of legislation at the present session, in compliance with the general wish of the nation, was to repeal the law for the compensation of members of Congress. The subject having been reported to a committee, they made an elaborate report on the subject of paying the members, and aimed to show that policy, as well as justice, recommended that the pay should be liberal.

The bill for the repeal was introduced by the author of the law, Richard M. Johnson. In proposing to repeal the bill enacted last year, he professed himself as acting in conformity with the known wishes of his constituents. The great drift of his speech, however, was to show that the compensation given to members of Congress was not too high, compared to that received by other functionaries, both State and Federal: that a gross sum was better than a *per diem* allowance, as it would be likely to "reform the proceedings of the House;" and that all the members had considered the law to be both politic and just, by taking the compensation, with the exception of one of the members from Virginia,<sup>1</sup> who did not, however, disapprove of the law, but only of its benefiting the Congress who passed it.

When the subject, which had been referred to the Committee of the Whole, was resumed in January, Mr. Johnson, who had introduced it, said that he was instructed by the select committee to propose eight dollars a day as the future compensation of members. For himself he did not wish the repeal to be retrospective, but to take effect on the fourth of March, leaving the rate of compensation to be settled by the next Congress.

The subject was very copiously discussed for ten days; and the debate was listened to with unwonted interest,

<sup>1</sup> Henry St. George Tucker.

partly because most of the members could not feel indifferent to the amount of their own emolument; and partly because the speeches of the members on this question gave an insight into their individual feelings and character.

Some of those who had voted for the law labored to defend themselves with their constituents for having given an unpopular vote; while others who had voted against the law were equally anxious to rescue themselves, in the eyes of their fellow-members, from the charge of courting the popular breeze, and were especially anxious to repel the taunts of John Randolph, who, in one of numerous speeches, went so far as to say, that "he would as soon be caught with his hand in his neighbor's pocket, as to vote against the bill then before the House, and receive the money."

Another portion of the House discussed the general merits of the question in a free, manly course of argument, maintaining that the law was founded in justice, would improve the character of the House, and by enabling a valuable class of citizens to go to Congress, who could not otherwise bear the expense, it would alone accord with the true Republican doctrine.

Different rates of compensation were proposed, of six, seven, eight, nine and ten dollars a day; and though few were willing to vote for the highest, there were probably none who wished the lowest.

In the course of the debate, the members occasionally seemed to impugn the motives of those who differed from them, particularly Mr. Randolph, who was commonly as ready to express his suspicions, as he was prone to form them; and who was thus brought into collision with his colleagues, Philip P. Barbour and James Johnson, both of whom, in voting against the law, had acted in con-

formity with their well-known political principles and opinions.

Every proposition to fix the daily pay of a member was successively rejected; and Richard M. Johnson's plan of leaving the law of the preceding Congress in force until the third of March, so that the rate of future compensation should be settled by the next Congress, prevailed by the large majority of one hundred and thirty-eight to twenty-seven.<sup>1</sup>

In the course of the debate, the mooted question whether the Representative is bound to obey the instructions and known wishes of his constituents, was discussed with much earnestness by a few of the members, but there was no vote by which the sense of the majority could be tested. However the rule of ethics may be laid down in the abstract, it will be found, in nine cases out of ten, as it was found on this occasion, that the Representative will carry out the wishes of his constituents, so as to make the rule which asserts the independence of the Representative of much greater practical difficulty than the other.

When it is recollected that the power of Congress, in determining the compensation of its own members, conflicts with that prudent provision of the Constitution which makes a member ineligible to an office which has been created, or the emoluments of which have been increased during his term of service, and that it equally clashes with that rule of the House which prohibits any member from voting on any question in which he is interested, we must admit that the exercise of this power subjects the members to suspicions which, whether well or ill founded, are injurious, and places Congress below that elevated platform on which representative legislators ought to stand.

<sup>1</sup> Annals of fourteenth Congress, page 713.

It is therefore to be regretted that the Constitution had not postponed the law fixing the compensation of members to the succeeding Congress. It could then have been free from bias, or suspicion of bias, to place the compensation on a safe and proper footing; that is, not so low as to narrow the field of popular choice, nor so high as to whet the cupidity of intriguing and mercenary men.

Mr. Pickens, of North Carolina, brought forward at this session a resolution proposing two amendments to the Constitution, by which the Legislature of each State was required to divide it into equal districts for electing members of Congress, and also into equal electoral districts for choosing the President and Vice-President. After some debate, the first member of the resolution—respecting Congressional districts—was agreed to by eighty-six votes to thirty-eight, which exceeded the majority of two-thirds required by the Constitution.<sup>1</sup>

The second member of the resolution—respecting the electoral districts—received the vote of eighty-seven to fifty-one, which not having the required majority of two-thirds, was virtually disagreed to.<sup>2</sup>

In consequence of a message from the President recommending to the consideration of Congress further legislative provisions for detaining vessels equipped, or in a course of equipment for war, Mr. Forsyth, as Chairman of the Committee of Foreign Relations, to whom the message had been referred, reported a bill, which seemed to be necessary to enable the United States to fulfil its duties of neutrality to other nations, and to secure the continuance of peace. The mischiefs which required remedy, and the defects of the existing laws

<sup>1</sup> Annals of fourteenth Congress, page 329.

<sup>2</sup> Ibid. page 365.

on this subject, were stated by the Secretary of State to Mr. Forsyth, in answer to his inquiries.<sup>1</sup>

This bill was opposed by Messrs. Root of New York, and Wright of Maryland, as showing too much complaisance to Spain, and in seeming to take part with her in her contest with her American colonies. In the subsequent debates, the arguments of the speakers hinged altogether on the relation in which the United States stood to Spain and her revolted colonies; the friends of the bill maintaining that it was necessary to enforce our neutral obligations to Spain; and its opponents, that it went farther, and used preventive measures to benefit one of the belligerent parties against the other, and that other colonies struggling for independence would, probably, take advantage of the precedent. The bill was supported by Messrs. Forsyth, Grosvenor, Lowndes, Hopkinson. Randolph, and Smith of Maryland. It was opposed by Messrs. Root, Wright, Sharp, Parris, Ward, Jewett, Robertson, Calhoun, and Clay the Speaker. It finally passed by eighty-three votes to sixty-two.<sup>2</sup>

Its principal provisions are, that any one fitting out, or concerned in fitting out, a vessel intended to be employed in the service of any foreign State in committing hostilities against the people of any Prince or State with whom the United States are at peace, is liable to a fine of ten thousand dollars, and an imprisonment of ten years. To increase, or to be concerned in increasing the force of any armed vessel in the service of any foreign State, the same being at war with any country with which the United States are at peace, is liable to a fine of one thousand dollars, and imprisonment for one year. The owners of all armed vessels, before leaving the United States, shall give bond with sureties that the said vessel

<sup>1</sup> Annals of fourteenth Congress, pp. 717-18.

<sup>2</sup> Ibid. page 770.

shall not be employed against any foreign State with which the United States are at peace. Vessels built for warlike purposes, of which the cargo shall consist principally of arms, shall be detained until the pleasure of the President is known, or until the owner has given bond with sureties, as in the preceding one.

While the Legislature was thus taking measures to fulfil its neutral duties, against the sympathies of most of the nation, and probably against their commercial interests, it manifested a strong disposition to retaliate the colonial monopoly of Great Britain, and other European nations, by prohibiting foreign vessels from importing or exporting merchandize from those ports from which American vessels were excluded.

With this view, the Chairman of the Committee of Foreign Relations introduced a bill in the early part of the session, extending to all foreign vessels a correspondent exclusion, with a proviso that the act should not extend to the vessels of any nation which had not adopted a similar regulation of commerce. Mr. Lowndes moved to strike out the proviso, but a large majority rejected his amendment.

But a bill reported by Mr. Smith, of Maryland, from the Committee of Foreign Affairs, went a step farther, and proposed to suspend all commercial intercourse whatever, in American as well as foreign vessels, with those ports and places with which the vessels of the United States are not ordinarily permitted to trade.

The policy of this retaliation, or rather the policy of attempting retaliation, gave rise to a debate which embraced several subordinate questions, as whether the bill clashed with the late convention; whether it was possible for the United States to induce Great Britain to relax her colonial policy; and in case she did, whether the

agriculture of the United States would not suffer more than their commercial and navigating interests would be benefited; whether the policy of the bill was not wise, as a permanent measure, independent of its effects.

After the discussion of the bill was closed in the Committee of the Whole, and reported to the House, the kindred bill to protect navigation was taken up, with several new sections, proposed by Mr. Lowndes, and it finally passed.<sup>1</sup> Besides the general principles of retaliation in the bill, it interdicts the coasting-trade to foreigners; and for the increase of American seamen, the bounties to fishing-vessels are to be paid only when three-fourths of the crews are proved to be citizens of the United States; and the tonnage duty is reduced from fifty cents to six cents in the case of coasting-vessels where *three-fourths* of the crew are proved to be citizens; and a like reduction in the case of vessels of the United States from a foreign port, where *two-thirds* are proved to be citizens.

The commercial intercourse bill was not afterwards acted on. We shall hereafter see that it was a subject beset with difficulties, not merely from foreign rivalry, but the discordance of interests and opinions at home. The general question was ably discussed by Messrs. King of Massachusetts, Forsyth, Lowndes, the Speaker, and Bradbury, in support of the bill; and by Messrs. Sheffey, Cady, Hopkinson, Wilde, and Robertson, against it. Mr. Smith, of Maryland, of great authority in the House on subjects of commerce, contented himself with stating how far the interests of commerce might be promoted or discouraged by the bill.

A bill had been, in December, introduced by Mr. Calhoun, in behalf of the Committee to whom the subject had been referred, to set apart the dividends and bonus

<sup>1</sup> Annals of fourteenth Congress, page 841.

paid by the national bank, as a permanent fund for roads and canals. When the subject came up for discussion, the bill was zealously supported by Mr. Calhoun, both as to its expediency and constitutionality, in which he was supported by the Speaker and Mr. Pitkin. Messrs. Pickering and Robertson denied that the power of making roads and canals had been given to Congress by the Constitution. Messrs. Barbour, Sheffey, and Randolph, at great length maintained the same doctrine. Messrs. Smith of Maryland, Yates of New York, and Wilson of Pennsylvania, were urgent supporters of the bill. After a protracted debate, and various amendments, it passed by eighty-six votes to eighty-four<sup>1</sup>.

The bill underwent amendments in the Senate, with which the House concurred; but the President returned it, with his objections,<sup>2</sup> that the power to construct roads and canals is not expressly given to Congress by the Constitution, and cannot be deduced from the power to make laws necessary and proper for carrying into execution express powers.

On a reconsideration of the bill, the yeas were sixty, and the nays fifty-six; by which vote the bill was constitutionally rejected. This veto was sent in on the last day of the session.

The members of the Navy Board were consulted as to the most effectual mode of defending the Chesapeake Bay, and the best site for a naval depôt.

It had been proposed in Congress to alter the flag of the United States; and the subject having been referred to a select committee, they made a report on the subject, in which they recommended that the national banner again consist of only thirteen stripes, which number should not be increased, but that the number of stars

<sup>1</sup> Annals of fourteenth Congress, page 934.

<sup>2</sup> Ibid. page 1060.

should correspond with the number of States in the Union. This report of the committee was not acted on, but their plan was adopted at the next session.

An elaborate report was made by the Committee on Roads and Canals. They examined the subject at great length, and strongly recommended the adoption of a general system of internal navigation for the United States, and also public roads of national importance. They particularly mention the following improvements:

First. A road from Maine to Boston, in the direction of the sea-coast.

Second. Roads leading from the naval and military depôts, and other points in the interior and upon the frontier; as Sackett's Harbor, Erie in Pennsylvania, Detroit, St. Louis and New Orleans.

The principal improvements of the internal navigation recommended, are:

First. Canals through four necks of land from Boston Harbor to St. Mary's River, making ninety-eight miles; besides a short cut across Cape Fear.

Second. A canal from the Hudson to Lake Erie; another from that Lake to a navigable branch of the Ohio. Some improvement in the bed of such branch and locks at the Falls of Louisville.

Third. Improvements, by locks or otherwise, in each of the principal Atlantic and Southern rivers, and in their correspondent Northern and Western waters.

Fourth. Turnpike, or other permanent roads.

The President was requested to ascertain, and report to the House at its next session, and at each subsequent session, such roads and canals as would be required by a general system of internal communication.

The President, on the seventh of February, 1817, sent a communication to the Senate, giving them information,

in conformity with their resolution, touching the execution of the late treaty as to the restitution of the slaves taken away by the British.

It appeared that that article was so construed by the British officers here, as not to require restitution of any slaves captured before the exchange of the ratifications of the treaty, though the capture might then have been within the jurisdiction of the United States. The American Government construed the article differently; but the matter was afterwards adjusted by Commissioners appointed by both Governments, and the value of many slaves, to a large amount, was paid by the British Government.

On the twenty-second of February, the President sent to the Senate, in conformity with a resolution of that body, a copy of the correspondence between the Spanish Minister and the Secretary of State, relative to the subjects of controversy between the two nations.

The chief points of difference were the claim of the United States to that part of West Florida which lies east of the Mississippi, and compensation for spoliations and for the discontinuance of the deposit at New Orleans. But Spain, on her part, complained of the armed equipments in the United States against her possessions, contrary to the duties of neutrality and the law of nations.

By this correspondence it appeared that Don Luis de Onis and Mr. Monroe differed about the true construction of the treaty of cession of Louisiana from Spain to France, and of the alleged violations of neutrality by the United States; but they had, as yet, come to no conclusion as to the adjustment of the matters in controversy.

Among the numerous legislative measures with which the House was crowded in this short session, was the

subject of making compensation for property lost during the late war, under an act of the preceding session; which act was admitted to require important amendments. A commissioner had been appointed to execute the act, with large discretionary powers, and he was thought to have given compensation in cases not embraced by the act, and unwarranted by usage. A bill had been therefore introduced, to narrow the power of the commissioner, and to secure the public from unjust demands, which, after debate and amendment, finally passed, without much opposition.

The act, after explaining what occupation of a building by a military force of the United States was meant by the original law, provides that in all cases of claims which exceed two hundred dollars, the commissioner shall appoint competent persons to examine witnesses on oath relative to such claims; which, if allowed by the commissioner, shall be revised by the Secretary of War on the facts reported to him, and be confirmed or rejected.

A joint resolution from the two Houses authorised the President to employ Colonel John Trumbull, of Connecticut, to execute four paintings of the principal events of the Revolution, to be placed in the Capitol. The resolution passed the House by one hundred and fourteen votes to fifty.

An act was passed at this session to authorise the inhabitants of the western part of the Mississippi to form a Constitution and State Government, as one of the States of the Union; and another, to establish a Territorial Government in the eastern part, under the name of Alabama.

The subject of a national university in the District of Columbia, which the President had recommended, had

been referred to a select committee, which had made a favorable report, and had submitted a bill that had been read twice; but at a late period of the session it was indefinitely postponed, on the motion of its Chairman, Mr. Wilde.<sup>1</sup>

On the third of March ended the fourteenth Congress, and the second term of Mr. Madison's Administration, the whole period of which we may now briefly review. It comprised eight years of uninterrupted controversy and war, in which the United States, known to be inadequately provided with the physical means of redressing its wrongs, endured a series of the most heavy and vexatious injuries from England and France; seizing their vessels; condemning them and their cargoes, not for any pretended violation of their rights, according to the received codes of national law, but each one justifying his own aggressions by the aggressions of his rival — as if the act of one robber could justify robbery in another.

To this open violation of the rights of property, Great Britain had added that of the rights of persons, by taking forcibly from American merchant-vessels her native-born subjects, though they had been many years naturalized in the United States, and from the resemblance between them and the native citizens, often taking the latter, which she did not pretend to justify. In this, and in numerous other ways, the American citizen honestly pursuing his peaceful and useful pursuits, was made to feel that Great Britain was the tyrant of the ocean.

The French were no better. If they did not inflict as great injuries, it was because they had not the power. They showed, by their Berlin and Milan decrees, that no right of a neutral was held in the least respect by

<sup>1</sup> Annals of fourteenth Congress, page 1063.

their Government, in its lust of power, and its aim at universal dominion.

The long course of submission to these lawless acts, and the feeble resistance made by embargo, non-importation and non-intercourse laws, by which we suffered yet more than the aggressor, had lowered the character of the American people, not merely in the eyes of the belligerents, but in those of the world; so that it seemed as if no degree of injury could rouse the people to a spirit to retaliate them; and had the British orders in council been repealed a few weeks sooner, that must have been the award of history, and the judgment of posterity. It would have been hereafter a matter of wonder and speculation to after ages, nay, probably to the present generation, how a people who had so bravely asserted and achieved their independence for an invasion of their rights, in which the immediate injury was so insignificant, had so far degenerated, in some thirty years, as to bear to be robbed and enslaved, without striking a blow in their defence.

It was happily ordered otherwise. The war which our firm, yet prudent statesmen had always regarded as unavoidable, but which they thought could be better borne the longer it was deferred, was at length declared; and thus was the world disabused of one of its errors.

But how did this nation, without an army, that had been thirty years at peace, acquit itself in this appeal to force? How did it meet the nation whose navy ruled every sea of the habitable globe, whose soldiers, as well disciplined and appointed as troops could be, and now flushed with victories in Spain over the conquerors of Europe?

The result was in part as had been expected, and in part so different, as to excite general astonishment. In

the first contests on land, the advantages of veteran discipline were conspicuous, and the British troops were generally victorious, even where the bravery of the Americans was equal to their own.

But on the ocean, where every Briton believed that an English armed vessel had but to come into contact with an American, for the latter to be certainly captured, the ships, officers and men were all held equally in contempt. Yet in numerous engagements of single vessels, the Americans showed, not merely that they were equal to the British, but they proved their superiority.<sup>1</sup> If there was a small disparity of force in their favor, which, before the war, every British officer would have held to be utterly insignificant, the disparity in the execution was beyond comparison greater; and on several occasions, the victorious American ship was of inferior force. Twice two squadrons of the nations engaged, and here the British were, beyond dispute, of superior force, yet they were all captured. From this time, the prestige of the invincibility of the British navy was destroyed, and that of the superiority of her descendants in the new world was established.

One of the consequences of the war, and the privations of foreign merchandize which it superinduced, was the rapid growth and improvement of manufactures, par-

<sup>1</sup> Mr. Ingersoll states that Mr. Madison and his Cabinet, or at least a majority of them, had, in the beginning of the war, decided to keep the American ships-of-war in port, under the conviction that they would be captured by the British, if they ventured out to sea; and that their purpose was defeated by the energy and management of some of the navy captains. Governor Coles, who was not only the private Secretary of Mr. Madison, but also his confidential friend, thinks that Mr. Ingersoll was misinformed on this subject; and Mr. Gallatin, in a letter to Mr. Coles, seems amply to refute the whole story. —Vol. I. Ingersoll, page 375. See Appendix.

ticularly those of wool, cotton and iron. A new interest was thus created, whose voice soon made itself heard, and which afterwards gave rise to some of our most irritating party contests.

The bravery and practical skill which had been so conspicuous on the ocean, after a while was manifested on land; and before two years of the war had expired, it was found that American regulars could meet British veterans with equal numbers, dispute the field with them, and not seldom obtain the victory. All their best-planned attacks, except one on the defenceless metropolis, were repulsed; and that at New Orleans by mere militia, of inferior numbers, with a slaughter that is without example in modern annals.

The Government was found to be strong enough to encounter heavy taxation, at a time when the people were impoverished by the loss of their extensive and profitable commerce; when they had no money but a depreciated paper; and when a large and weighty portion of the Union — the New England States — were so dissatisfied with the Administration and its policy, that they not only withheld all active aid, but not seldom endeavored to create difficulties and embarrassments in the way of the Government. Under all these disadvantages, it appeared that the power of the Government was equal to every exigency, and that it never received a more cordial support from the rest of the nation than it did at this time of enduring the united evils of war, poverty, and privation. Its strength lay in the hearts and affections of the people.

Of Mr. Madison's individual merits as the Chief Magistrate of the nation, the people at large bore high testimony by his re-election, and by his popularity in most of the States; yet his qualities were less fitted for the

duties of war, than of peace. He has been blamed for not having made the preparations for war that were practicable, and to share in the blame which has generally fallen on the Secretary of War, for his too great confidence that an attack would not be made on Washington, without which confidence the attempt had probably not been made. He occasionally, too, in the distribution of the highest offices of the Government, had so much regard to mere geographical claims, that some of the places in his Cabinet were not filled by the ablest men. With these exceptions, which, moreover, admit of being plausibly defended, it would not be easy to show an Administration that has exhibited more talent, integrity, or disinterestedness.

The Legislature of his native State, on the twenty-second of February, voted a farewell address to the President on his retiring from office, which must be considered as the genuine sentiments of their hearts, now that they could have had no motive for adulation. The address received the votes of ninety to nineteen, in the House of Delegates (and, with a slight modification, would apparently have had no dissentient), and an unanimous vote in the Senate.

As this address is a high testimonial to Mr. Madison's merits, and they have been much controverted, we are induced to insert it at full length :

*"To James Madison, President of the United States :*

*"SIR :*

"At the moment when you are about to lay down the power with which the voluntary suffrages of an enlightened country have invested you, and to retire to that peaceful calm which your devotion to the public service has hitherto denied you, the General Assembly of Virginia cannot forbear to tender you, in behalf of the good people of your native State, a brief expression of their esteem, their confidence, and their cordial wishes for your future happiness.

“The present prosperous condition of the American Republic sheds a greater lustre on your Administration, from the difficulties and embarrassments which encountered you at the outset, and which pertinaciously attended you through the greater part of the same eventful period. When you entered on the duties of your high office, you found the two great rival Powers of Europe, in their unprincipled efforts at mutual annoyance, trampling on our dearest principles, and violating our most indisputable rights. The policy which we adopted in preference to war, for which we were so ill prepared, and by which we must so greatly suffer, though it inflicted some punishment on our adversaries, did also, of necessity, inflict the severest sufferings on ourselves: and when, at length, the utmost point of forbearance was reached, and your countrymen indignantly appealed to arms, they encountered, without an ally or auxiliary, the nation of all others to whose power they were most vulnerable.

“The glorious events of that conflict are fresh in the minds, and deep in the hearts of all. Whatever may be the difference of opinion as to the policy of war—however humanity and patriotism may deplore some of its disasters—every candid mind must admit that it affords abundant cause of national joy and exultation. It has taught us many valuable lessons in the science of government, by observation and experience, the only sure tests of political theory. It has proved to a doubting world, that this Confederation of Republics, cemented only by the ties of love and common interest, can stand the rude shock of war—of war, too, made against the consent of a numerous, a zealous, and a compact minority. It has called forth a fervor of patriotism which is at once the surest proof of the beneficence of our Government, and the best guard of its safety. The achievements of your gallant countrymen, by land and on the ocean, will make your Administration a proud era in the annals of these States. They have given us our proper rank and character among the nations of the earth, and have covered the American name with a glory of such solidity, that the passing current of time will but serve to increase its brightness.

“The storm has passed away, and we are left with a serener sky, and a purer atmosphere, to grow, to improve, and to cherish those arts which can give comfort or embellishment to human life; and to enjoy, under the favor of heaven, the noble fruits of that Government which your wisdom contributed to form, your eloquence recommended to the confidence of your countrymen, and which your integrity and talents have so often, and so signally aided in carrying into successful operation.

“In a few days, you, sir, like ourselves, will have surrendered up the

power which has been entrusted to you, and return to the station of a private citizen. In that station, your example will still teach a most salutary lesson to your country; and as your exaltation to the chair of State has shown that genius, and talents, and virtue, are not the less appreciated for the veil which modesty has thrown around them, so it will be found that, when divested of the splendor and power of office, you will continue to enjoy that richest reward of every generous mind—the affections and applause of a just and grateful people. Partaking of these sentiments in common with those we represent, in the honest language of truth, we tender you our thanks for your long and faithful services, our admiration of your talents, our confidence in your integrity and devotion to the national welfare, and our ardent wish that, still illuminating the public mind with the light of your wisdom and experience, you may, in health and happiness, live many years, an ornament and benefactor of your country.”

## CHAPTER XX.

### MONROE'S ADMINISTRATION.

#### FIRST TERM.

1817—1819.

ON the fourth of March, Mr. Monroe, in the presence of his predecessor, with that of both Houses of Congress, and a numerous audience of his fellow-citizens, delivered his inaugural address.

After a modest disclaimer of his qualifications for the high office to which he had been elected, he proceeds to state the principles which should govern him in administering its duties. But he first adverts to the causes of the happy condition of the United States, which he thinks are to be referred principally to their inestimable privilege of self-government. He further maintains that the policy here established is fit for the severest trials that a nation can undergo. He speaks also of the benefits derived from political union, from the varieties of climate and of productions, and of the numerous navigable rivers of the country.

We have, he said, been able to profit by these favorable circumstances, because the government is in the hands of the people; and so long as they are intelligent, independent, and virtuous, every thing will be safe. Let us, he remarks, then endeavor to promote intelligence among the people, as the best means of preserving our liberties.

We are also exposed to dangers from abroad, notwithstanding our distance from Europe, and our pacific policy, by reason of our commerce and fisheries, for which we ought to be prepared. Our coasts and inland frontier should be fortified; our army, navy and militia be put on the footing of the greatest practicable efficiency. On the last he dwells as, of all, the most important.

He speaks of the advantages of roads and canals, to be made, however, with a constitutional sanction; and of the benefits of manufactures. The civilization of the Indians, the discharge of the public debt, the strict accountability of public agents, and the blessing of union, are noticed in succession; and the future destinies of the country present a topic to the patriotic pride of the nation. In speaking of the illustrious men who had preceded him, whose examples should be his guide, he especially distinguishes his immediate predecessor as the object of his prayers and good wishes.

The first official act of the Senate, convened, as usual, immediately after the ceremony of the inauguration, was to vote on the appointment of the new Cabinet. They were John Quincy Adams, Secretary of State. He was still abroad as Minister to England, but his return was daily expected. He had, ever since he gave information to Mr. Jefferson of the great disaffection of the Federal party in New England, and of the serious dangers it threatened to the Union, been considered as attached to the Republican party, though it is not known that he had given any evidence of a change of political principles.

Mr. William H. Crawford, of Georgia, was continued as Secretary of the Treasury. He had been the Minister of the United States to France during the reign of Louis the Eighteenth, and of Bonaparte during the one hun-

dred days; when, returning to the United States, he had been elected to the Senate, and had there distinguished himself by his speech in favor of the constitutionality of the Bank of the United States, at the time when such an institution was generally desired by the Administration and its friends, as likely to hasten the return of the State banks to specie payments, and to give soundness to the currency; but they still hesitated to establish it, since they, as a party, had so long maintained it to be unconstitutional.

Some one has given the advice, as a maxim of wisdom, "to behave towards a friend as if he may one day be your enemy, and towards an enemy as if he may one day be your friend." Somewhat of the same calculating policy should, it would seem, recommend to politicians to beware of pronouncing that a measure is unconstitutional or otherwise, lest they should thereafter be placed in a situation where both inclination and interest might recommend to them the opposite doctrine. On this subject of the bank, it can scarcely be doubted that Mr. Madison and the Republican party wished they had not been fettered by his speech in 1791, against the constitutionality of a national bank; and that the Federalists would gladly have been uncommitted on this point, that they might have joined their votes to those who, like Messrs. Philip Barbour, Burwell, and others, still retained their constitutional scruples against such an institution, and thus have defeated a measure which the Administration deemed of vital importance.

Benjamin Crowninshield, of Massachusetts, was continued as Secretary of the Navy.

Richard Rush was continued Attorney-general, but he being soon afterwards sent as Minister to England,

William Wirt, of Virginia, was appointed in his place in November, 1817, during the recess of the Senate.

The appointment of Secretary of War had first been offered to Governor Shelby, of Kentucky, but he declining it, the President appointed Mr. Calhoun, in October, 1817, during the recess of the Senate.

In the summer, the President made a tour through the Northern and North-western States; and he every where, not even excepting New England, met with a cordial reception.

It may here be remarked, that the prosperity of the country, which had been so signally promoted by the return of peace, continued through 1816 and 1817. The great staples of the country bore a high price; and after the banks returned to specie payments, in 1817, the currency was every where sound and uniform.

The Republican party had acquired such an ascendancy, that the Federalists seemed to have disappeared as a party; nor had there yet arisen any division among the Republicans, in consequence of their having no common enemy to oppose. During the President's tour, in the general respect paid to him as the head of the nation, it seemed as if there was at last political unanimity in the nation.

On the second of December, President Monroe sent his first annual message to Congress.

He says that the causes of national congratulation were never before so great as at that time. In the abundance of the country, its prosperous commerce, and in the state of public credit, local jealousies were rapidly passing away.

The reduction of the naval force on the lakes by Great Britain and the United States had been carried into execution. Measures had been taken for executing

the article respecting boundaries. As that nation refuses to extend the articles in the late convention to her colonies, Congress should decide what measures would be expedient for the protection of American commerce.

The negotiations with Spain remained as they were.

He adverts to the expedition set on foot against East Florida, which took possession of Amelia Island, at the mouth of St. Mary's River, by persons claiming to act under the authority of some of the Spanish colonies; which place had been an asylum for fugitive slaves and smugglers. Orders had been given that these establishments should be suppressed.

To acquire correct information as to the condition of our Southern neighbors, a ship-of-war had been along that coast with three distinguished citizens, who were empowered to hold communications with those vested with authority. Our foreign relations had undergone no change.

After defraying the expenses of the Government, and paying off eighteen millions of the principal of the public debt, more than six millions would remain in the treasury on the first of January next.

The present annual permanent expenditure he states to be near twelve millions; the sinking fund, ten millions. The annual receipts might be estimated at twenty-four and a half millions. The future prospects of the revenue were still more encouraging.

Large purchases of land had lately been made from Indians on the borders of Lake Erie, with all their lands in the State of Ohio, and a part of Michigan Territory. Also a purchase had been made from the Cherokees in Georgia, and the purchase of the residue was shortly expected.

In this progressive acquisition of the Indian lands,

which nothing can prevent, and which nothing ought to prevent, as it provides for the subsistence of the greater number, we are bound, he says, to make new efforts for the civilization of these people.

He anticipates a great rise in the value of the public lands. In consequence of the termination of Indian hostilities, emigration may be expected to increase, and with it, the demand for land.

The subject of roads and canals is again brought to their notice. He adverts to the question of the constitutional power of Congress over this subject; and states that, after bestowing the fullest consideration on the question, he has come to the conclusion that Congress has not the power; and he suggests to that body to recommend an amendment of the Constitution, which is the safest course on all doubtful questions; and that the subject of establishing seminaries of instruction may be comprehended in the same amendment.

Among the subjects recommended to their favor, was a provision for the surviving officers and soldiers of the Revolution, many of whom are now in indigence. A repeal of the internal taxes, which are now no longer needed, is also recommended.

There was, at first, some difference of opinion among the members of the House about the expediency of repealing the whole of the internal taxes, as had been recommended by the President; some of them thinking it prudent to retain a part: but from the difficulty of making a selection which would give general satisfaction, the objections were generally withdrawn, and the bill for the total repeal of these taxes passed early in December, with only five dissentients.<sup>1</sup>

We have seen that among the debated powers of

<sup>1</sup> Annals of fifteenth Congress, page 443.

Congress under the Constitution, was that of making roads and canals, on which question the members of the House appear, at that time, to be nearly equally divided. While many of those who denied that Congress possessed the power would gladly have seen it conferred by an amendment to the Constitution, there was a small number who regarded the power in question as neither constitutional nor expedient.

In the early part of the session, Mr. Tucker, of Virginia, in behalf of the Committee on Internal Improvements, submitted a report<sup>1</sup> on the subject, in which the Committee maintain that Congress has the power, under the Constitution —

First. To lay out, improve and construct post-roads through the several States, with the assent of the respective States.

Second. To open, construct and improve military roads through the several States, with the assent of the respective States.

Third. To cut canals through the several States, with their assent, for promoting and giving security to internal commerce, and for the more safe and economical transportation of military stores and other articles in time of war; leaving, in all these cases, the jurisdictional right over the soil in the respective States.

In support of their views, the Committee urge that they might insist on a liberal construction of the Constitution, both because the powers now asserted do not derogate from the rights of the States, and also from the beneficent character of those powers: it being neither improper nor unprecedented to construe the same instrument liberally or strictly, according as the interests of the parties concerned will be best promoted. But they disclaim all

<sup>1</sup> Annals of fifteenth Congress, page 45.

intention of resorting to liberal principles of construction ; and they proceed to deduce the powers in question from the terms of the Constitution ; that is, as either comprehended in some express grant of power, or as “ necessary and proper ” to carry some express grant into execution.

They lay great stress on the various expenditures which have been made by Congress to effect purposes not deducible from the Constitution ; as, to purchase a library, to employ a chaplain, to buy costly paintings, to grant aid to the sufferers in Venezuela, to send an exploring expedition to the Pacific. The same objections would apply to the encouragement given to manufacturers by taxing the rest of the community, giving bounties to fishermen, and other acts ; and it is difficult to justify these diversified expenditures, except upon the principle that Congress has a discretionary power to use, for the “ general welfare,” the funds which it is authorised to raise.

They refer to several roads which the General Government has made, namely : the road from Cumberland, in the State of Maryland, to the State of Ohio ; others from Nashville and Reynoldsburg, in the State of Tennessee, to the Territory of Mississippi ; and more recently, one from Plattsburg, in the State of New York, to Sackett’s Harbor, in the same State. And lastly, to the doctrine which has been sanctioned by high authority, that the constitutionality of a principle may be considered as settled by repeated recognitions of its validity in acts of the Legislative, Executive and Judicial branches of the Government.

The Committee purposely decline the inquiry whether Congress can exercise the power of making roads and canals in a State without its consent. In conclusion, it offers a resolution that the sum to be paid to the United

States by the subscribers to the national bank, and the dividends to the Government on its shares in that bank, be a fund for internal improvements.

The subject gave rise to a copious discussion in the latter part of the session.

This was one of the occasions, previously mentioned, in which was exhibited that diversity of construction which is inseparable from all written Constitutions. The disadvantage is part of the price which a people must pay for a government of their own formation.

Those who dissented from the report of the Committee, and denied that Congress had the constitutional power of constructing roads and canals, maintained that if Congress has not the power in question, without the assent of the States, as the Chairman of the Committee seemed to concede, it cannot have it with such consent, its powers being solely derivable from the Constitution, and incapable of enlargement or restriction from any extrinsic source. Besides, if the power depended on the assent of the States, then as some States might give this assent, and some withhold it, the same class of acts which would be constitutional in one part of the Union, would be unconstitutional in another; and the assent given this year may be revoked the next, as no Legislature can pass an irrevocable law.

That the power to "establish post-roads" meant merely to designate the roads on which the mail should be carried, and not to construct the roads: that this was what was meant by *establishing* a road, appears from the fact that Congress sometimes discontinues a road, when it merely ceases to be a post-road; but that when a State discontinues a road, it is shut up. It could not be supposed that the framers of the Constitution meant to produce that clashing of jurisdictions between the General

and State Governments which would necessarily arise if the former had the power of constructing roads: that military roads have been made as operations of war, from necessity; and the right to make them could not give the right to make post-roads. Nor could the power be derived from the right to regulate commerce, without an unprecedented and inadmissible latitude of construction. Roads and canals would indeed give great facilities to commerce; but that argument would justify an interference in the business of agriculture, and indeed of all other profitable occupations. As to the beneficent consequences of the power contended for, it was urged that such has ever been the plea of usurpation.

They insist that if the power has not been expressly granted, or is not a necessary incident to an express grant, it cannot be derived from the power to raise money: that, under the words of the Constitution, "to provide for the common defence and general welfare," Congress can use money only in execution of the enumerated powers: that, under any other construction, the express powers to raise armies and provide navies were unnecessary, since those objects could be effected by an expenditure of money. They say that money expended upon roads would be for the *local*, not the *general* welfare; and that the seeming gain to a State is a mere delusion, its quota of the money disbursed being balanced by its quota of tax or contribution.

That as to the precedents relied on, they could not be binding on constitutional questions; but that each member is bound by his own conscientious interpretation of the Constitution. It was admitted that Congress had sometimes expended money unconstitutionally, as in the Cumberland road, and in the grant to Venezuela; but that many of the other examples referred to were con-

sistent with the Constitution. Thus a chaplain was appointed as an officer of the House, and the purchase of a library and paintings were justified as appropriate furniture for the building required for the deliberations of Congress.

They deprecate the undue enlargement of the powers of the General Government, or the undue restriction of those of the States; and urge that the utility of the Union, and even its permanency, mainly depends upon preserving that distribution of sovereign power between them which the framers of the Constitution intended: that Congress should be as ready to guard against the assumption of ungranted, or even doubtful powers, as to exercise those which have been unquestionably conferred.

The friends of the report admitted that the power in question must be deducible from an express grant in the Constitution, or be incidental to an express grant; but they urge that as the power in question would be highly advantageous, as is admitted by those who wish it conferred on Congress by an amendment to the Constitution, a liberal rather than a narrow construction of that instrument should be adopted. By such a construction, the word "establish," which sometimes refers to what pre-existed, should be construed to make or construct, in the same sense as when the Constitution speaks of establishing courts of justice, rules of naturalization, or laws of bankruptcy, which are created at the time they are established: that, in the case of roads, this interpretation was necessary to give efficiency to the constitutional provision. It was admitted that, over the post-roads, the General Government had "the right of way;" but to what purpose have they this right, if it could not be made effectual? Without the power of constructing roads, the power of carrying the mail might

often be inoperative. When the post-road was made, the General and State Governments had concurrent jurisdiction.

It had been conceded that military roads might be made by the General Government. If so, the same may be used as post-roads. But it was asked, shall a military man be allowed to make a road at his discretion, and the National Legislature not have the same power? But again: the Constitution gives to Congress "the power to regulate commerce with foreign nations, and among the several States." Under the power of regulating foreign commerce, light-houses, piers, and other necessary works, have been constructed; and ought not equal facilities to be given to the commerce among the States by roads and canals? In what other way can the commerce of Kentucky, Tennessee, and other interior States, be benefited? The construction which would allow these advantages to inland States, is in no degree more liberal than that which has allowed other facilities to the Atlantic States.

As to the power of Congress in the expenditure of money, they said that every municipality and corporation exercises the power of appropriating money to objects not specified in their charter: that governments acquire property from the property of others, and when thus acquired, they may rent, sell, or exchange it at pleasure; which power is involved in the elementary notion of property. The authority to provide, was an authority to employ the instrument. The army might be engaged in throwing up fortifications, or making roads; the navy in conveying stores, or making surveys, or prosecuting maritime discovery; and army, navy and money in any object which, conflicting with no rights of States or individuals, should be applied to promote the welfare or honor of the country. The construction which

would confine the expenditure of money to the execution of the enumerated powers was said to be a new and fanciful rule, and to proceed on a limitation of the power of expending money which is altogether implied and constructive. As the power to provide armies or navies is independent of the other enumerated powers, so also should be held the power to provide money. Indeed, to far the greater part of the enumerated powers, money can have no application; and, by the fair rules of construction, there is no more propriety in applying the other enumerated powers to the right to raise money, than to the right to raise armies. An argument was also drawn from that amendment to the Constitution (Article Fifth) which implies that private property may be taken for public use, on making just compensation.

The advocates for the power in question, in Committee and in the House, were Messrs. Cushman of New York, Hopkinson of Pennsylvania, Colston, Mercer, Pindall, Ballard Smith and Tucker of Virginia, Lowndes and Simkins of South Carolina, the Speaker, and Jones of Tennessee. Their opponents were Messrs. Claggett of New Hampshire, Adams and Orr of Massachusetts, Austin, Philip Barbour, James Johnson, Nelson, and Alexander Smyth of Virginia, and Sawyer of North Carolina.

This controversy has been frequently renewed, but probably never with the same degree of talent and skill as was exhibited on this occasion, especially by those who asserted the power of Congress. Mr. Clay had his heart set on the subject; and besides exerting his rare powers of argument as well as declamation in its behalf, he used his influence and address to enlist, on the same side, some of the best talents of the House. Mr. Lowndes, it was generally conceded, bore away the palm in the debate in which most of his competitors greatly distin-

guished themselves. Messrs. Smyth and Barbour took the lead as advocates of State rights, and seem to have exhausted the arguments on the constitutional branch of the question.

The original resolution submitted by the Committee having been now divided into three distinct resolutions, the following were the decisions of the House :

On the first resolution, "that Congress has power, under the Constitution, to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of water-courses," the ayes were seventy-six, nays fifty-eight.

On the second, "that Congress has power, under the Constitution, to construct post-roads and military roads; provided that private property be not taken for public use, without just compensation," the ayes were seventy-six, nays seventy.

On the third resolution, "that Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the States; provided that private property be not taken for public purposes, without just compensation," the ayes were seventy, nays sixty-nine.

Another resolution was proposed by Mr. Mercer, which, after some debate, was adopted. It declared that Congress had the power to construct canals for military purposes, with the like proviso of making compensation for private property. The ayes were seventy-five, nays sixty-three.

The question then of constituting the money to be received from the national bank as a fund for the construction of roads and canals, was lost by seventy-three noes to seventy-two ayes.

Such were the votes in the Committee of the Whole ;

but in the House the first resolution passed by ninety votes to seventy-five,<sup>1</sup> and the other three were rejected, as follows: the second resolution, by eighty-four votes to eighty-two; the third, by ninety-five votes to seventy-one; and the fourth, by eighty-three votes to eighty-seven.

After some debate, the compensation of members of Congress was fixed at eight dollars a day. A few members were in favor of nine dollars.

A message, accompanied with numerous documents, having been received from the President, in compliance with a resolution of the House asking for information relative to Amelia Island and to Galveston, in Texas, the whole was referred to a committee, who made a report on the tenth of January, 1818.

It seems that there had been a combination of lawless adventurers, French, Spanish, and citizens of the United States, whose object was plunder on the high seas, chiefly directed against Spanish slavers, and other ships, but who were not very scrupulous about the national character of the vessel. They commonly sailed under a pretended Mexican flag. Their first establishment on land was at Galveston, near the mouth of Trinity River, in Texas; which they transferred, first to a place near Matagorda, and then to Amelia Island, in the St. Mary's River, East Florida. One of their objects was the illicit introduction of slaves into the United States. Under the law prohibiting the further importation of slaves, the President had authority to seize and bring in all vessels contravening the provisions of that law.

He was also authorised to take possession of any part, or the whole of the territory lying east of the Perdido, in the event of any foreign power's attempt to occupy it.

<sup>1</sup> Annals of fifteenth Congress, page 1385.

The present occupants of Amelia Island had a further purpose, which was to establish an independent government in East and West Florida—of which, however, no one of the adventurers was an inhabitant. This Island was intended by them as a place of resort for their cruisers, which were, according to the laws of nations, pirates, and were so denominated in some of the treaties made by the United States with European Powers.

Under this state of facts, the Executive felt itself called upon, by its duty to other nations, as well as to the United States, to suppress all establishments of this character in our vicinity, whether their purpose was the occupation of the Floridas, piratical attacks on the commerce carried on near our coast, the smuggling of goods, or the introduction of slaves into the United States; and its course was approved by the committee. They, in conclusion, recommend a further provision in the law prohibiting the importation of slaves.

Some days after this report,<sup>1</sup> the President informed the House that the establishment at Amelia Island had been suppressed without the effusion of blood; and that the suppression of a similar establishment at Galveston would soon follow, if it had not already taken place. His reasons for distinguishing these adventurers from the revolting colonies of Spain, to which the United States had observed a strict neutrality, are given; and he adds that they had received very little countenance or favor from the population of the United States in their neighborhood.

Major Bankhead, and Captain Henley of the navy, in behalf of the United States, took possession of Amelia Island in the latter part of December, 1817.<sup>2</sup>

The commander of these adventurers was Brigadier-

<sup>1</sup> January 18th.

<sup>2</sup> December 23d.

general Gregor M'Gregor, who claimed to be commissioned by the new republics of Mexico, Buenos Ayres, New Grenada, and Venezuela, to effect the independence of the Floridas.

An amendment to the Constitution of the United States was proposed by Mr. Barbour, of Virginia, in the Senate, giving the right to Congress to make canals and roads, with the consent of the States through which they would pass, and that appropriations for these objects should be distributed among the States in the ratio of their representation in Congress.

Mr. Williams, of North Carolina, communicated to the House of Representatives a letter from a person by the name of John Anderson, who, in consideration of the favorable decision which the Committee of Claims (of which Mr. Williams was Chairman) had made in his favor, requested his acceptance of five hundred dollars for the trouble he had already had, and for the attention some other claims would require. Mr. Williams further stated that, in an interview with Anderson, he had repelled his offer with indignation and contempt; on which Anderson had asked his pardon, and denied that he meant to offer a bribe, but merely compensation for extra trouble.

Mr. Forsyth, of Georgia, then submitted a resolution for taking Anderson into custody by the Sergeant-at-arms, and holding him subject to the order of the House, which passed unanimously.

The next day the Speaker having informed the House that the Sergeant-at-arms had taken Anderson into custody, Mr. Forsyth submitted a resolution, that a Committee of Privileges, to consist of seven members, be appointed, and that the said Committee be instructed to report a mode of proceeding in the case of John

Anderson, who was taken into custody by order of the House.

This resolution gave rise to some debate respecting the powers of the House; but it was finally adopted, and a committee appointed.

On the same day, Mr. Forsyth, in behalf of the Committee, offered a resolution that Anderson be brought to the bar of the House, and interrogated as to the charge of offering to bribe a member of the House; that the interrogatories, and his answers thereto, be entered on the minutes of the House; and that, if the House deem further inquiry necessary, the same be conducted by a committee appointed for that purpose.

Anderson having then been brought into the House by the Sergeant-at-arms, was informed by the Speaker that he might, if he wished it, have time to prepare his answers, or to have counsel, or to summon witnesses in his behalf. On Anderson's stating that he wished to employ counsel, and a postponement until the next day, he was taken from the bar.

On the following day, Mr. Spencer, of New York, offered the following preamble and resolutions:

The House, entertaining great doubts of its possessing the competent power to punish John Anderson for his contempt of the House, and his outrage upon one of its members:

Resolved, That all further proceedings by the House against the said John Anderson do cease, and that he be discharged from the custody of the Sergeant-at-arms.

That the Attorney-general of the United States be directed to institute such proceedings against the said Anderson, for his said offence, as may be agreeable to the laws of the United States, and of the District of Columbia: and that the Judiciary Committee be in-

structed to inquire into the expediency of providing by law for the punishment of any contempt of the Senate or the House of Representatives of the United States, or of any breach of the privileges of either House.

These resolutions gave rise to much debate, which was continued for several days. The result was that the House refused to discharge Anderson, by a vote of one hundred and nineteen to forty-seven, and ordered that he be brought to the bar of the House, by a vote of one hundred and eighteen to forty-five.

On being called to the bar, and examined, Anderson adduced witnesses who testified to his good character for probity and correct deportment. He then presented to the House a written address, in which he apologized for his conduct, and denied that he expected or wished Mr. Williams to act against his convictions: after which, a variety of propositions and suggestions were made, which resulted in the following resolution:

“That John Anderson has been guilty of a contempt and violation of the privileges of the House, and that he be brought to the bar of the House this day, and be there reprimanded by the Speaker for the outrage he has committed, and then discharged from the custody of the Sergeant-at-arms:” which was accordingly done.

A committee on the subject of increasing the price of the public lands, on the tenth of January made a report. They infer that the lands of the United States are not held by speculators, from several facts, which they state; and that the price—two dollars per acre—would appear not to be too low, when compared with the price in other States, viz:

In 1780, their value in New Hampshire was... \$5.07 per acre.			
“	“	Pennsylvania.....	6.09 “
“	“	Maryland. ....	3.77 “
“	“	Virginia.....	1.48 “

and in the 16 States then composing the Union, the average value of their land was \$2.92, with the advantage of being peopled and settled.

They therefore offered a resolution that it was inexpedient to increase the price of the public lands.

A report was made as to altering the flag of the United States. The committee submit a bill, by which they propose that the stripes, which had been, in 1794, increased from thirteen to fifteen, should again be reduced to thirteen, and that the stars correspond to the whole number of the States; the alteration in the stars to be made on the fourth of July succeeding the admission of a new State; which bills passed both Houses without opposition.

A bankrupt law was proposed by Mr. Hopkinson, of Pennsylvania, and recommended by him by various considerations of policy and philanthropy. His bill was supported by most of the members from the commercial cities, where a lively sympathy is excited in behalf of those who have been unfortunate in business. It was warmly opposed by members from the agricultural districts, especially from the South.

The subject was fully discussed by Messrs. Hopkinson and Sergeant of Pennsylvania, Mills and Whitman of Massachusetts, Williams of Connecticut, and Smith of Maryland, who were in favor of the bill. Its opponents were Messrs. Pindall, Barbour, Tyler and Tucker of Virginia, and Holmes of Massachusetts.

The bill was supported mainly on the ground of the heavy losses sustained by the mercantile class of late years, in consequence of the great and sudden changes in the political relations of the world; of the example of all commercial nations; and of the discordance and insufficiency of the insolvent laws of the several States.

It was opposed as giving privileges to a particular class

of citizens; and because, while it professed to benefit creditors as well as debtors, it almost always operated to the exclusive advantage of debtors, whom it enabled, by management and fraud, to rid themselves of their pecuniary obligations.

The bill was, at length, indefinitely postponed, by eighty-two votes to seventy.<sup>1</sup>

On the seventeenth of February, a message was received from the President, in compliance with a resolution of the House of the sixth instant, respecting the relations with Spain.

It appeared that the Spanish Minister had, in the preceding September, informed the Secretary of State that the King of Spain had subjected the ports of the Viceroyalty of Santa Fé to a rigorous blockade, which blockade the Government of the United States had maintained to be repugnant to the laws of nations. Several American vessels had been captured under this blockade, and the subject was still unadjusted.<sup>2</sup>

Two communications were received from the President, by Congress, early in March, 1818. By one of them, concerning the execution of the fourth article of the treaty of Ghent, it appeared that the Commissioners appointed by the two Governments—John Holmes and Thomas Barclay—had decided on the ownership of the islands in Passamaquoddy Bay.

According to their decision, Moose Island, Dudley Island, and Frederick Island, belong to the United States; and all the other islands in that Bay, and the Island of Grand Menan, in the Bay of Fundy, belong to Great Britain.

The decision of the Commissioners was dated the twenty-fourth of November, 1817.

<sup>1</sup> Annals of fifteenth Congress, page 1027.

<sup>2</sup> Ibid. page 1840.

By the other communication, information was given respecting some illegal seizures made of the property of American merchants, by the Neapolitan Government, during the reign of Murat.

Mr. Pinkney, of Maryland, had been instructed to call at Naples, on his way to Russia, to demand indemnity to the owners of the property. The illegality of these seizures and confiscations by Murat was readily admitted by the Marquis di Circello, the Minister for Foreign Affairs at Naples; but he considered the present Government of Naples not responsible for Murat's illegal acts. Mr. Pinkney strenuously urged that, on the general principles of national law, the present Government is responsible for the acts of its predecessor; but he left Naples before the discussion was brought to a close. The Neapolitan Government insisted on their not being responsible.

On the fourteenth of March, the President communicated to Congress, in compliance with a resolution of the Senate, a report of the Secretary of State respecting the negotiations with the Government of Spain.

The correspondence between the Spanish Minister, Don Luis de Onis, and the Secretary of State, related to alleged violations of neutrality by citizens of the United States, in fitting out privateers against Spain, or in expeditions against her possessions, in the year 1817; the occupation of East Florida; and which he insists was not comprehended in the cession of Louisiana by France to the United States. He enters very fully and minutely into the history of Louisiana, and of its first acquisition by France.

He soon afterwards examines the claims made by the United States to indemnity for injuries caused by Spanish authorities, as well as those caused by French cruisers

on the coasts of Spain, and condemned by French Consuls resident in Spanish ports. So far as these seizures and injuries may be found indefensible, her Government has been always ready to settle them as formerly agreed on, on the basis of reciprocal satisfaction for reciprocal injuries. As to indemnity for the suspension of the right of deposit at New Orleans, he denies the responsibility of his Government on several grounds; yet he is willing to submit that point also to the decision of joint Commissioners.

He denies the liability of his Government to indemnify for losses sustained from French captures, as the aggressor is directly responsible and accessible to the United States; and that, by the treaty between Spain and the United States, the obligation of Spain on this point is reduced to the obligation to exercise its good offices with the offending party.

In January, 1818, Mr. Adams, as Secretary of State, makes a reply<sup>1</sup> to Don Luis de Onis, on the occupation of Amelia Island, which Don Onis had, some short time before, made the subject of a special complaint.

He proposes to Don Onis an adjustment of all the differences between the two countries, on the following terms:

First. Spain to cede all her claims to territory eastward of the Mississippi.

Second. The Colorado, from its mouth to its source, and thence to the northern limits of Louisiana, to be the western boundary, or to leave that boundary unsettled for future arrangement.

Third. The claims of indemnity for spoliations, whether Spanish or French, within Spanish jurisdiction, and for the suppression of the deposit at New Orleans, to be

<sup>1</sup> Annals of fifteenth Congress, Vol. II., second session, page 1737.

settled by Commissioners, as agreed upon in the unratified convention of 1802.

Fourth. The lands in East Florida, and to the Perdido, to be answerable for the amount of the indemnities, with the option of the United States to take the lands and pay the debts, or to sell the lands for the payment of the debts.

Fifth. Spain to be exonerated from the payment of the debts, or any part of them.

He says that Don Onís will perceive the necessity of either accepting the proposals, or of offering such as can be acceptable to the United States.

Don Luis, in his answer, makes his proposals :

First. The dividing line between Louisiana and the Spanish possessions to be established in one of the branches of the Mississippi, either that of the Fouché or Atchafalaya. Spain to cede the two Floridas to the United States, or in lieu of this, the *uti possidetis* of 1763, to form the basis of the dividing line.

Second. His Catholic Majesty to ratify the convention of 1802, by which the claims of both parties for indemnities are to be settled by a joint commission.

Third. His Catholic Majesty to unite with the United States, in endeavoring to obtain indemnity from France.

Fourth. The Government of the United States to take effectual measures to prevent hostile armaments in their ports against the commerce and possessions of Spain.

Mr. Adams, a few days later, sent a full reply to the letter of Don Onís of the twenty-fourth of January, in which the positions of the Spanish Minister as to the proper boundaries of Louisiana, and the other principal points insisted on in favor of Spain, are very fully discussed, and shown to be untenable.

These subjects had been previously discussed at Madrid

between Messrs. Monroe and Charles Pinckney of South Carolina, on behalf of the United States, and Don Pedro Cevallos, on behalf of Spain, as long ago as 1805; but coming to no adjustment, the discussion was afterwards renewed between Mr. G. W. Erving, on the part of the United States, and Don J. Pirano, on the part of Spain.

The point most difficult of adjustment was, whether the treaty of cession of Louisiana by Spain to France meant to reconvey to France all that territory which had ever been known by the name of Louisiana, and which Spain then held, or merely to convey to France the precise territory which France had received from her in 1762. By this last construction, every part of Florida would be excluded; since Spain had received from France, in that year, only the country lying west of the Mississippi. But the United States contended that, by the treaty of St. Ildefonso, in 1800, Spain had ceded Louisiana as it was when she possessed it; that is, before it was dismembered by the cessions made to Spain and Great Britain.

On the twenty-fifth of March, a message was received by Congress from the President, relative to the war with the Seminole Indians.

Nearly the whole of this tribe are within the limits of Florida; and Spain, by the treaty of 1795, was bound to restrain them from hostilities against the United States. When we consider her inability, from the smallness of her force, to check these Indians, the United States were justified in pursuing the enemy within her limits, on the principle of self-defence. Orders, however, had been given to the commander of the troops of the United States not to enter Florida, except in pursuit of the enemy, and then to respect the Spanish authority.

The first outrages committed by these Indians were early in the past year, 1817. They set up a justification,

on the ground that three of their own people had been killed by the whites. They found, in the house of Mrs. Garrett, a kettle which had belonged to one of the Indians who had been killed; whence they inferred that the murder had been committed by her husband, and according to their practice of retaliation, they had, on this occasion, killed her and her two children.

The War Department had ordered General Gaines to demand of the Seminoles the surrender of those Indians who had murdered the citizens of the United States; but if they refused reparation, he was not to enter Florida without further instructions. He was also authorised to remove the Indians remaining on the lands ceded by the treaty which General Jackson made with the Creeks.

General Jackson was appointed, in December, 1817, to take command against the Seminoles; and he soon decided that it was necessary to pursue the Indians into Florida; "for," he writes to the War Department on the sixteenth of December, 1817, "rest assured, if ever the Indians find out that the territorial boundary of Spain is to be a sanctuary, their murders will be multiplied to a degree that our citizens on the southern frontier cannot bear."

On the same day, the Secretary of War, Mr. Calhoun, wrote to General Gaines: "Should the Seminole Indians still refuse to make reparation for their outrages, it is the wish of the President that you consider yourself at liberty to march across the Florida line, and to attack them within its limits, should it be found necessary, unless they should shelter themselves under a Spanish post. In the last event, you will immediately notify this Department."

In answer to a resolution of the House of Representatives, the President, on the twenty-fifth of March, 1818,

communicated to the House a report from the Secretary of State, relative to the independence and political condition of the provinces of Spanish America.

It appeared that the Provinces of La Plata made a declaration of independence on the ninth of July, 1816. There was already an appearance of conflicting claims among some of the provinces that sought a separation from Spain.

The President, on the same day,<sup>1</sup> communicated to the House of Representatives the particulars relative to the recent occupation of Amelia Island.

An arrangement was made at Washington, by Richard Rush, on behalf of the United States, and Charles Bagot, on behalf of Great Britain, relative to the execution of that article of the treaty of Ghent which restricted naval armaments on the lakes. According to this arrangement, each of the two nations was confined, on Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon; on the upper lakes, to two vessels, not exceeding the like burden each, and armed with like force; on the waters of Lake Champlain, to one vessel of like burden, and armed with the like force. All other armed vessels shall be forthwith discharged.

If either party wish to annul this stipulation, it shall cease to be binding six months after notice.

Mr. Robertson, of Louisiana, who was untiring in what he believed to be the preservation and enlargement of political rights, again brought forward the subject of expatriation, by proposing the appointment of a committee to inquire into the expediency of providing by law for the exercise of the right of expatriation.

Among other arguments urged by Mr. Robertson in

<sup>1</sup> March 25th.

favor of the law he proposed, were the decision made by a Judge of the Supreme Court, that a citizen of the United States could not divest himself of his native allegiance; and a provision in the existing treaty with Spain, by which a citizen of the United States, holding a commission under any Government at war with Spain, is considered as a pirate.

The resolution was adopted without opposition; and a bill was soon after reported by the Committee, providing for the course to be pursued by any citizen who wished to exercise the right.

In the discussion of the subject which subsequently took place, the bill was opposed by Messrs. Lane of Delaware, Williams of North Carolina, Pindall, Anderson of Kentucky, and Lowndes; nearly all of whom admitted the right contended for, but insisted that Congress had no constitutional power to legislate on the subject; and that the renunciation of allegiance allowed by the bill might be attended with much practical inconvenience and abuse. The bill was supported by the mover, and Messrs. Johnson of Virginia, Cobb of Georgia, and the Speaker.

The bill was rejected by striking out the first section, by seventy votes to fifty-eight.<sup>1</sup>

Some days later, Mr. Johnson, of Virginia, alleging that the motives of the House, in their vote on the bill for expatriation, might be misconstrued, offered as a substitute for the remaining sections of the bill, which made a formal recognition of the right. After some debate, the substitute was rejected by seventy-seven votes to sixty-four.

Mr. Robertson then offered his substitute, which provided for the mode in which persons who had expatriated

<sup>1</sup> Annals of fifteenth Congress, page 1071.

themselves, and were afterwards prosecuted as citizens, might defend themselves. This substitute was, at first, adopted; but on the third reading, after a renewal of the debate, was rejected by seventy-five votes to sixty-four.<sup>1</sup>

The British Government still excluding all vessels of the United States from her American colonies, there was a general disposition in Congress to retaliate her course, and by making her share in the inconvenience of her narrow policy to induce her to change it. The subject was accordingly taken up in both branches of the Legislature. Early in February, the Committee of Foreign Relations in the House made a report on the subject, in which they showed the great extent of the commerce carried on between the United States and the British colonies, its vital importance to most of those colonies, and that justice imperiously requires that the United States should participate in its profits. This result might be effected in two ways: one, by prohibiting the direct trade to British vessels; and the other, by subjecting it to onerous duties. Of these expedients, they give a preference to the last, and report a bill, with that view, increasing the duties and charges on British vessels.

This bill was not, however, subsequently acted on, most of the members, doubtless, being inclined to favor the more decisive and efficient course adopted by the Senate. In that body, Mr. Barbour, in behalf of the Committee of Foreign Relations, submitted a bill, by which all British vessels, from any part of the British dominions from which the vessels of the United States are closed, shall be in like manner excluded from all ports in the United States. And every British vessel in the United States, if laden with their productions, shall

<sup>1</sup> *Annals of fifteenth Congress*, page 1107.

give bond with sureties not to land her cargo at any British port from which the vessels of the United States are excluded. He aimed to show, in a copious argument, founded on statistical facts, the extensive injury to the shipping interests of the United States from the policy complained of; that redress was attainable; and that an entire prohibition of all intercourse was better than to subject it to heavy duties.

He was followed by Mr. Rufus King, who, in a very temperate and well-reasoned view of the subject, showed the necessity and probable efficacy of the course proposed. In a succinct but lucid history of this question, he stated that immediately after the peace of 1783, the Minister brought into Parliament a bill which placed the commercial intercourse between the United States and the British colonies on a footing of perfect fairness and reciprocity, but it was defeated by those who were interested in continuing the monopoly; since which time, the narrow and vicious policy of England had been steadily pursued, and rigorously enforced.

Both the speakers disclaimed any feeling of hostility towards Great Britain; and denied that the proposed measure would afford her any just cause of complaint.

The bill passed the Senate with only two dissentients, Messrs. Wilson and Eppes.<sup>1</sup> In the House, it passed by the large majority of one hundred and twenty-three to sixteen.<sup>2</sup>

A bill having been reported by the Committee to whom the subject had been referred, to amend the act for the recovery of fugitives from justice, and persons escaping from the service of their masters, it was the subject of much discussion and opposition. Several of the provisions of the bill were objected to, as subjecting

<sup>1</sup> Annals of fifteenth Congress, page 341.

<sup>2</sup> Ibid. page 1719.

officers of the States to unreasonable penalties, and as endangering the right of free people of color. The bill, however, finally passed the House of Representatives by eighty-four votes to sixty-nine;<sup>1</sup> but having been returned from the Senate with amendments in that body, it was finally ordered to lie on the table.<sup>2</sup>

A proposition, in a very different spirit, was made by Mr. Livermore, who proposed an amendment to the Constitution, "That no person shall be held to service or labor as a slave, nor shall slavery be tolerated in any State hereafter admitted into the Union."

At this session, the State of Mississippi was admitted into the Union. The initiatory step to the same object was taken by the Territories of Illinois and Missouri.

The following honors were conferred on those who had distinguished themselves at the Battle of the Thames, in October, 1813: Medals and thanks were voted to Major-general Harrison and Governor Shelby, and a sword to Colonel Richard M. Johnson.

Among the abortive measures of the session was the attempt to commute the bounty lands to those who had served in the late war into a fixed sum of money, by which the soldiers would be saved from the loss they were certain to incur by selling their lands to speculators, and the public would be gainers by paying a smaller sum than the lands, when sold, would bring into the treasury. Members differed about the sums of money to be paid to each soldier, and some preferred a payment in Government stock, while others were opposed to any legislative interference. On the passage of the bill to a third reading, it was negatived by eighty-two votes to eighty.

The Spanish-American Provinces were the most copious

<sup>1</sup> Annals of fifteenth Congress, page 840.

<sup>2</sup> Ibid. page 1393.

and animated subject of debate during the session. Mr. Robertson had, at an early day, offered a resolution asking of the President "such information as he may possess and think proper to communicate, relative to the independence and political condition" of those Provinces, which was adopted without opposition. But the sentiments of the members were not called forth until the appropriation bill was taken up.

The President had, in November, 1817, appointed three Commissioners — Messrs. Rodney, Graham, and Bland — to proceed to South America, for the purpose of getting full and authentic information of the Spanish Provinces. An appropriation of thirty thousand dollars was proposed as their compensation. Mr. Clay made several objections to the mission. He especially insisted that this was one of the appointments which required the concurrence of the Senate. But, on the suggestion of Mr. Lowndes, a further discussion of the subject was postponed. Mr. Clay then moved for an appropriation of eighteen thousand dollars as the outfit and salary of a Minister to the independent Provinces of the La Plata.

The Speaker supported his motion in a speech which he continued the next day for three hours. He began with disclaiming all wish to be involved in a war with Spain, though she had given us ample cause; war being as injurious to national prosperity as to individual happiness, even when successful: but he insisted that the measure he proposed would not put to hazard the peace of the country. He then exhibited, in glowing colors, the vast region which Spain again seeks to subjugate, stretching along a coast of five thousand miles, and comprehending the sublimest physical objects, and the most fertile countries on the globe; and presenting the yet more interesting spectacle of eighteen millions of

people struggling to burst their chains. He was convinced that independence had struck such deep root, that the power of Spain could never eradicate it. He spoke of the colonial despotism which Spain had exercised over those countries, as the most stupendous, most rigorous, and exclusive, that the world had ever seen. They were even forbidden to cultivate the vine and the olive, lest they should interfere with the products of Spain. The people of one province were prohibited from visiting another, and all books of a liberal character were proscribed. If we had been justified in revolution, Spanish America was more than justified. He spoke of the atrocious spirit in which the war had been carried on by Spain against her colonies; and adverting to the butcheries and enormities practised by Murillo, said they rivalled those of his great prototype, the desolator of the Netherlands. He declared himself no propagandist; but when a people claimed to be free, he wished them success. He quoted, in support of his statements, long extracts from the manifesto of the United Provinces of La Plata.

He urged the effects which the independence of Spanish America would have on the commercial interests of the United States: that their exports amounted to eighty-one millions a year: that these were composed of the richest and most desirable commodities, and would lessen our dependence on the colonial monopoly of Great Britain: that, consistent with our own professed principles, and repeated declarations, we were bound to recognize the Provinces of La Plata. The recognition afforded to Spain no just cause of war. All that she had a right to require was, that we should be neutral, which we are willing to be. He denied, moreover, that Spain was in a condition to make war, if so disposed, and that a war

would hasten the loss of her American colonies; nor was it at all likely that the recognition would involve us in any difficulty with other nations.

His motion was opposed by Messrs. Forsyth, Lowndes, Smith of Maryland, Smyth, Poindexter and Nelson, who all professing their good wishes for the success of the Provinces in their struggle for independence, objected to the proposed appropriation as interfering with a part of the Government which the Constitution had assigned to the Executive: that while the President had agents in the revolted Provinces, to inform him of their real condition, and was likely to be better instructed on the subject than Congress, it did not become the latter to dictate his course, especially as it might involve the country in war: that though, by the law of nations, our recognition might not be a good cause of war, nations were often governed by their feelings on such occasions, and make war without legitimate cause. It was further urged, that the Provinces in question could not be materially benefited by our recognition; and that their vessels were admitted into our ports. It was also said that they had not revolted from any sense of oppression, but merely to avoid subjection to France: that many of them seem yet willing to become subject to the authority of Spain. The revolution in those countries was contrasted with that of the United States; they had as yet shown themselves unfit for free government. The power of the people was there a cypher, and late accounts made their eventual success doubtful.

These arguments were replied to by the Speaker, whose motion was also supported by Messrs. Robertson, Floyd and Tucker of Virginia, and Spencer.

The appropriation was lost by one hundred and fifteen

votes to forty-five,<sup>1</sup> in Committee of the Whole. In the House, Mr. Anderson renewed Mr. Clay's motion, and supported it at great length; but it was rejected by precisely the same majority.<sup>2</sup>

A bill making further appropriations for the Cumberland road was then passed by seventy-four votes to fifty-six;<sup>3</sup> and Congress adjourned, on the twentieth of April, to the third Monday in November.

The war with the Seminoles, which General Jackson, with his wonted vigor and despatch, had brought to a close, should now be mentioned.

The force of the United States, in regulars and militia, was about eighteen hundred men. The Seminoles were reckoned by General Gaines at twenty-eight hundred. Jackson had been directed by the War Department, if he considered his force insufficient, to call on the Governors of the neighboring States for reinforcements; but instead of that, he chose to appeal to volunteers of West Tennessee to join him; when one thousand mounted men, and two companies of life-guards, from Kentucky and Tennessee, volunteered their services. At the same time General Gaines, who had been ordered to Amelia Island, was employed in raising forces among the Creeks. The acts of both Generals were unauthorised, but that of General Jackson subsequently received the sanction of the War Department.

Orders had been given to Gaines, that if the Indians took refuge under a Spanish garrison, he was not to attack them there, but to report the fact to the Secretary of War. Jackson marched into Florida, early in April, at the head of eighteen hundred men, and was joined by fifteen hundred Indians, organized by Gaines,

<sup>1</sup> Annals of fifteenth Congress, page 1646.

<sup>2</sup> Ibid. page 1655.

<sup>3</sup> Ibid. page 1664.

at the time when the Seminoles could not have exceeded a thousand, and when not half that number presented themselves to oppose him. After destroying some Indian towns, Jackson marched on St. Marks, a Spanish garrison, which surrendered without resistance, and was then occupied as an American post. It was here that Jackson found Alexander Arbuthnot, in the house of the Spanish commandant, and Robert C. Ambrister, who was soon after taken prisoner.

These men, who were both Englishmen, had been active in stimulating the Indians to hostilities. They were tried, in April, 1818, by a court-martial, over which General Gaines presided. Arbuthnot was found guilty, and executed. Ambrister was also found guilty, and sentenced to death; but on a reconsideration of his case, the sentence was changed to whipping, and hard labor for a year; but General Jackson approving the first decision of the court, and disapproving its reconsideration, ordered him to be shot. These men being subjects of Great Britain, with whom the United States were at peace, they were regarded by Jackson as outlaws and pirates, and as such suffered death.

Jackson thence marched on Pensacola, which also yielded without opposition. The Governor fled to Barrancas, a Spanish fort, which, after being formally invested and bombarded, surrendered to Jackson, and the garrison were made prisoners of war.

The civil government being thus annulled, Jackson abolished the revenue laws of Spain, and a new government was organized. Considering the war at an end, he returned to Tennessee. But about two months later, he ordered General Gaines to take possession of St. Augustine, in East Florida, on the ground that the Indians had there received supplies of ammunition to carry on

the war, though it did not appear that there had been any subsequent act of hostility. As soon as this order to Gaines was known to the War Department, it was countermanded.

These high-handed measures of General Jackson produced great excitement throughout the country. They proved a copious theme for the daily press, which does so much to form, as well as to indicate public opinion; and the meeting of Congress was expected with unwonted interest.

That body assembled on the sixteenth of November, and the next day the President sent in his annual message.

He congratulates the country on its prosperity. The crops, he says, are abundant, commerce flourishes, the revenue has exceeded expectation, and we are at peace and amity with all.

As the term for the operation of the late commercial convention with Great Britain approached, measures have been taken for its renewal, and the Ministers are now engaged in renewing it for eight years.

Our relations with Spain are still unsettled. The occupation of Amelia Island, and the punishment of the Seminole Indians by pursuing them into Florida, became necessary to the United States on the ground of self-defence. It then appeared that the officers of the Spanish Government had been active in encouraging and aiding the Indians in their hostilities against the United States. After Pensacola had been occupied by General Jackson, as the Spanish officers seem, in aiding the Indians, to have violated the instructions of their Government, the posts of Pensacola and St. Marks were ordered to be delivered up; the first unconditionally, and the last on the arrival of a competent force to defend it against those

savages. He disclaimed any intention of showing disrespect to the authority of Spain. The correspondence of General Jackson with the Secretary, and his justification for his course against Ambrister and Arbuthnot, will be duly communicated.

The civil war between Spain and her American colonies affords no prospect of a speedy termination. The information respecting them, obtained from the American Commissioners lately sent thither, will be laid before Congress.

It appeared that Buenos Ayres, the Banda Oriental Entre Rios, Paraguay, with the city of Santa Fé, Chili, and Venezuela, have all declared themselves independent; and that the other parts of South America, except Monte Video, and some portions on the eastern bank of the La Plata, held by Portugal, are still in possession of Spain, or under her influence.

It also appeared that the allied Powers of Europe have undertaken to mediate between Spain and the South American Provinces. It is expected that their interposition will be confined to the expression of their opinions. He recommends a continuance of the neutrality of the United States in this contest.

The receipts into the treasury for the first three-quarters of the year have exceeded seventeen millions. After extinguishing a moiety of the Louisiana debt, and the old six per cent. stock, there will remain, on the first of January next, more than two millions in the treasury. The revenue for the year may be estimated at twenty-six millions.

Under the protection afforded to manufactures, several branches have assumed greater activity; but he submits to their consideration, whether further protection should not be afforded.

The erection of fortifications on our maritime and inland frontiers had been begun, and considerable progress had been made. The selection of the sites of two naval depôts, determined on at the last session, has not yet been made, though it is in a train of execution.

By several treaties made with Indian tribes, extensive cessions of territory have been obtained by the United States.

It has been thought expedient to establish strong posts at the mouth of the Yellow-Stone River; at the Mandan villages on the Missouri; and at the mouth of St. Peters, on the Mississippi. They are likely to secure us from the attacks of the Indians. He thinks that the abandonment of the hunter and independent state is indispensable to their civilization, and perhaps to the continuance of their race.

It has been necessary, this year, to maintain a strong naval force, both in the Mediterranean and the Gulf of Mexico, and to send some force to the Pacific. The augmentation of the navy is still advancing.

In mentioning the addition of Illinois to the States of the Union, he speaks of the advantages, both political and commercial, in the increase of the number of the States.

The message was accompanied by the annual report of the Secretary of the Treasury. According to this report, the receipts into the treasury, for the year 1818, amounted to upwards of twenty-two millions of dollars; which, with the amount in the treasury on the first of January last (upwards of six millions), would be equal to the probable expenditure, and leave, on the first of January, 1819, in the treasury, more than two millions. The public debt will, at the same date, by estimate, be reduced to about ninety-two and a half millions. In Mr.

Crawford's estimates for the year 1819, the receipts and expenditures (including ten millions to the sinking fund) will be about equal. In his general remarks, he adverts to the pecuniary pressure on the community, in consequence of the over-trading of the banks during their suspension of cash payments, the subsequent reduction of their discounts, the increased export of specie to the East Indies, and the diminished supply of the American mines.

On the third day of the session, the Speaker stated to the House his doubts about the propriety of administering the oath of office to the member from the new State of Illinois, then in attendance, as the act for the admission of the State was not yet concluded. Some difference of opinion having been expressed by members on the subject, the sense of the House was taken, when it was decided, without a division, that the oath should not then be administered.

The Constitution of the State of Illinois was then referred to a select committee, consisting of Messrs. Anderson of Kentucky, Poindexter of Mississippi, and Hendricks of Indiana. The next day the committee reported a resolution for the admission of the State: and on inquiry as to its population, it was stated by Mr. Anderson that, according to evidence satisfactory to the committee, the population was forty thousand, the number required by the act of the last session.

When the resolution came up for consideration, Mr. Tallmadge objected to it, because there was no sufficient evidence that Illinois had the requisite population; but principally because, if slavery was not adopted in the State Constitution, it was not sufficiently prohibited: that the Ordinance for the government of the territory north-west of the Ohio was "in the nature of a conven-

tion between the United States and the people" of that territory: that the sixth article of that Ordinance provided that there should be no slavery in that territory; but that the sixth article of the Constitution of the new State, in each of its three sections,<sup>1</sup> contravened this stipulation, either in letter or spirit: that Congress was

<sup>1</sup> The following is the article in the Constitution of Illinois objected to by Mr. Tallmadge:

ARTICLE SIXTH. — SECTION FIRST. — Neither slavery nor involuntary servitude shall be hereafter introduced into this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received, or to be received, for that service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this State, or, if made in this State, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

SECTION SECOND. — No person bound to labor in any other State shall be hired to labor in this State, except within the tract reserved for the salt works, near Shawneetown; nor even at that place for a longer period than one year at any one time; nor shall it be allowed there after the year one thousand eight hundred and twenty-five: any violation of this article shall effect the emancipation of such person from his obligation to service.

SECTION THIRD. — Each and every person who has been bound to service by contract or indenture, in virtue of the laws of the Illinois Territory, heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the aforesaid law, shall serve out the time appointed by said laws: *Provided, however,* that the children hereafter born of such persons, negroes or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth of said child.

therefore bound, he continued, to reject the Constitution of Illinois, or at least this feature of it. The State of Virginia, he said, had ceded the territory in question, on certain conditions, to the United States, one of which was that which interdicted slavery, and which he declared to be "a monument to the fame" of that State. He enforced his views by general considerations of policy and right.

Mr. Poindexter concurred with the gentleman from New York, in wishing to expel slavery from the country when it was practicable, which it often was not. He said that the article objected to in the Constitution of Illinois was almost a transcript from the Constitution of Ohio; and that the only point of difference arose from, and was justified by the law which required the registry of slaves in Illinois. But, he said, as to constitutional provisions on this subject, it would be found impracticable, after admitting the independence of a State, to prevent it from framing its Constitution as it thought proper. In the nature of free government, no law could be irrepealable; but on this head, he hoped that neither Ohio, Indiana, or Illinois would ever permit the introduction of slavery.

Mr. Anderson repeated his previous remarks as to the population of Illinois, and said that in like cases, heretofore, the representations made by the Territory had been deemed sufficient. As to the other objection, he said, that it would be seen, on a reference to the articles of cession by Virginia, that there was no such condition respecting slavery, which had been there proscribed wholly by Congress: that the people of the North-west Territory were no party to the supposed compact, not being represented at all, nor consulted on the occasion. He further remarked, that among the conditions reserved

by Virginia, it was provided that all existing rights of the people should be preserved; and that there were slaves in the Territory at the present day.

Mr. Tallmadge replied that, if he was wrong as to the binding force of the Ordinance, Congress was bound, from considerations of expediency and duty, to prevent the introduction of slavery into Illinois.

Mr. Harrison, from Ohio, maintained that the people of his State had "entered into no compact which had shorn them of their sovereign authority." He had always considered the supposed compact to be a dead letter; and such, he believed, had been Alexander Hamilton's opinion.

The resolution for the admission of Illinois as a State passed by one hundred and seventeen votes to thirty-four.<sup>1</sup>

Mr. Rodney, who had been employed by the Government to obtain information of the political condition of the Spanish Provinces of South America, made a detailed report to the Secretary of State, on the eighth of November, 1818. It chiefly concerned Buenos Ayres, Chili, and Paraguay.<sup>2</sup>

When the military appropriation bill came under consideration, the practice of employing the army in the construction of military roads, and of allowing extra pay to the officers and men thus employed, gave rise to an animated debate, which continued for four days. Some of the members, who did not disapprove of the roads, doubted the power of the Executive to make them; while others objected to the extra allowance to those

<sup>1</sup> Annals of fifteenth Congress, Vol. I., second session, page 311.

<sup>2</sup> This voluminous document had been communicated by the President on the seventeenth of November and the fifteenth of December.—See Appendix to Vol. II., first session, page 1967.

employed in the construction of the roads, and insisted that, for such expenditure, there should be a special appropriation, more especially as the money thus expended, being comprehended under some general head, did not appear in the bill in its proper character.

These objections were urged with some emphasis by the Speaker, Messrs. Johnson and Tucker of Virginia, Williams of North Carolina, Pitkin, and Mills; and the course of the Executive, and the allowance of the extra pay, were justified by Messrs. Lowndes, Mercer, Trimble, Smyth, Johnson of Kentucky, Smith of Maryland, Watson, Lincoln, Pindall, and Fuller.

It having appeared by a letter from the Secretary of War, in answer to an inquiry of a committee, that ten thousand dollars would cover the amount of extra pay for the construction of roads, a motion was made to deduct that amount from the quarter-master's department, which was agreed to; but in a subsequent stage of the debate, an amendment to make a specific appropriation of ten thousand dollars for defraying the expenses of soldiers working on roads, was carried by ninety votes against seventy-five.<sup>1</sup>

It was evident, in the course of the debate, that the President's views on the subject of roads and canals had produced some discontent and alienation of a portion of those who differed from him. He received from another portion, however, a cordial support on the present occasion.

Public expectation of the benefits to be derived from the establishment of the Bank of the United States having been raised very high, was, as is usual, disappointed, and clamors were already general and loud against the mismanagement of that institution. It

<sup>1</sup> Annals of fifteenth Congress, Vol. I., second session, page 514.

was charged with making larger dividends than were warranted, to raise the price of stock, that the directors and their friends might sell out to advantage.

There was, indeed, a very sensible diminution, instead of an increase, in the circulation of the country, and great pecuniary difficulties were experienced in every State. But this was owing to circumstances for which the bank was not responsible, and was not able to have prevented.

It has already been mentioned that, after the peace, when the prices of all the great staples of the country suddenly rose, and when the amount on hand had been as much increased by the war as the price had been depressed, an immense accession was at once caused to the wealth of the country, which was naturally followed by a proportional increase of its expense, and of the importation of foreign luxuries. But these high prices, the result of the temporary deficiency of supplies abroad, could not long continue; and those supplies soon becoming adequate, and more than adequate, to the demand, began rapidly to decline, and by the last of the year 1818, and beginning of 1819, they had returned nearly to the prices before the interruption to American commerce. But the habits of expense once formed could not be so readily laid aside, and the importations were no longer on a scale suited to the exports, but greatly beyond them. The consequences of this were, in succession, a large debt abroad, an export of gold and silver, and a scarcity of money, not merely metallic, but also of paper which owes its vitality to specie.

In this state of things, Mr. Spencer, of New York, moved for the appointment of a committee to inquire into the proceedings and condition of the bank: whether its capital had been paid in specie, or by the proceeds of

stockholders' notes discounted at the bank? whether the bank has refused to pay its notes in specie on demand? whether the bank has sold drafts on its offices for a premium? with a number of other special inquiries; and that the committee have leave to sit in Philadelphia, and to send for persons and papers.

The resolution produced some debate in the House, and Mr. M'Lane having moved an amendment, leaving out the specification of the objects of inquiry, some of which he thought were beyond the power of Congress, and urging that their purpose should be to ascertain whether or not the bank had violated its charter, Mr. Lowndes, whose knowledge of the subject was equal to his candor and liberality, said that he should vote for the amendment, not because he doubted the power of the House to make those specific inquiries, but because they were calculated to mislead public opinion, and induce the inference that there were violations of the charter. He said, as to the payment of the latter instalments by means obtained from the bank, that was the result of the bank's beginning to discount before its capital was paid in. It could not be supposed that it would refuse to the stockholders the accommodation which it granted to others; and there scarcely ever was a bank in which the same thing had not taken place: that it had not been expected to pay the notes of its branches in specie: that, by agreeing to charge nothing to the Government for difference of exchange, it seemed to be implied that it might, in some cases, make such a charge.

Mr. Spencer defended his resolution, and said that the bank had contributed to increase the scarcity of currency, which it had been expected to remedy.

The resolution passed as amended; and Messrs. Spen-

cer, Lowndes, M<sup>r</sup>. Lane, Bryan, and Tyler, were appointed a committee.<sup>1</sup>

On the sixteenth of January, the committee on the bank made an elaborate report. They had proceeded to Philadelphia; they had also examined the offices at Baltimore, Richmond, and the city of Washington.

The committee acquitting the Bank of the United States of exerting any undue rigor towards the State banks, think it liable to the more serious charge of increasing the amount of their notes in circulation, by its acceptance of them in places where they were not redeemed in specie.

The committee blame the bank for substitution of the credit of individuals in payment of the second instalment, instead of coin, or the notes of State banks.

It especially condemns the management of the office in Baltimore, which has been indebted to the parent bank from one million five hundred thousand to nine millions of dollars, and generally its debt has exceeded six millions.

The committee think that the embarrassment of the bank, in receiving the notes of all its offices, did not arise so much from the ordinary balances of trade, as from the excessive discounts granted at some of the offices, particularly Philadelphia and Baltimore, and the drafts consequent upon these discounts. They do not undertake to say that an uniform currency could have been maintained under the most auspicious circumstances, and they incline to think it impracticable.

They consider that the bank has the power, under its charter, of selling drafts at a premium; and they do not think that the rate of premium has been unreasonably high.

<sup>1</sup> Annals of fifteenth Congress, Vol. I., second session, page 333.

They think that the bank is not warranted in dealing in the notes of State banks; but they have no evidence of such dealing. They condemn the bank for granting discounts to some stockholders for the second instalment, while most of them were required and compelled to provide specie. Of the second instalment—two millions eight hundred thousand dollars—a part was paid in notes; of the third—two millions eight hundred thousand dollars—a very small part was paid in coin.

The whole amount of specie imported from Europe, since its institution to this time, appears to be seven millions three hundred thousand seven hundred and fifty dollars, the expense of which, including interest and insurance, was five hundred and twenty-five thousand two hundred and ninety-seven dollars. The amount of specie in the bank on the first of January, 1817, was one million seven hundred and twenty-four thousand one hundred and nine dollars.

The committee say that had the bank rigidly required the payment of the instalments, the large stockholders must have sold that portion of their shares which their real means did not enable them to hold; or if the bank had not exacted the instalments, and had not afforded the means of substituting credit for payment, the stock would not have advanced materially in price, and the large holders of it would have had no inducement to retain it. In either case, greater diffusion of the shares would have been the consequence, and it would have reached the hands of solid capitalists, who would have held only what they could pay for. The profits of the bank would, in the first instance, have been diminished, but they would eventually have been greater. The evil under which the country suffered was the immense amount of bank-notes and credit; and the Bank of the

United States increased the evil by its credit to stockholders.

They condemn the course adopted by the bank, of paying the dividends in Europe at the par of exchange, and at the risk and expense of the bank. This measure was opposed by half of the directors, and carried by the casting vote of the President.

They condemn the practice of discounting almost exclusively on the security of stock, instead of personal security, and more especially in rating the stock above par in such discounts, by which a large part of its capital was placed beyond its control.

That this system was favorable to stock-jobbing, and to an artificial rise in the price of stock, which at last went up to one hundred and fifty-six dollars and a half: that many obtained discounts on the stock which they did not possess, but were only about to purchase: and that large loans were made to brokers, who, on a rise in the market, would sell out, and pocket the difference.

They condemn the conduct of those directors who purchased shares deliverable at a future day, before which they were able to raise its price. They mention especially William Jones, the President; and George Williams, Dennis A. Smith, and James W. M'Culloh.

They condemn the practice of allowing the President and Cashier to discount.

They strongly reprehend the practice of dividing their shares among several individuals, by way of increasing their weight in voting, by which means that clause of the charter which allows no individual to have more than thirty votes, is evaded and annulled. This practice, they think, has been the source of all the misconduct of the bank.

They sum up, in conclusion, the instances in which

they consider the charter to have been violated, which are as follows :

First. In purchasing two millions of public debt, in order to substitute them for two other millions which it had contracted to sell, or had sold, in England, for the purpose of purchasing specie, but which the Government considered it had a right to redeem at par, under the charter of the bank.

Second. In not requiring the fulfilment of the engagement made by the stockholders, to pay the second and third instalments in specie.

Third. In paying dividends to stockholders who had not completed their instalments.

Fourth. By the judges of the first and second elections allowing many persons to give more than thirty votes each, under the pretence that they were attorneys for others, the judges knowing that they were the real owners of the shares.

They propose to defer any action on these violations until it be seen whether the stockholders will apply the remedy.

They propose a bill to prevent any one hereafter having more than thirty votes.

In consequence of the report made by the Bank Committee, William Jones resigned his office as President, and George Williams resigned as Director, though not without endeavoring to vindicate themselves from the charges brought against them by the committee. Mr. Cheves, of South Carolina, the former Speaker, was then appointed President of the Bank.

The committee recommending no ulterior measures, Mr. Spencer introduced a bill to enforce the provisions of the bank charter, requiring every stockholder, in the election of directors, to swear that he had no interest in

the shares on which he should vote as attorney for another; and any judge permitting any person to give more than thirty votes, without having taken the oath aforesaid, shall be punishable by fine and imprisonment. This bill was subsequently adopted without opposition.

Mr. Trimble offered a resolution that a *scire facias* should issue against the bank, with the view of determining whether its charter was violated; but the House refused to consider the resolution, by seventy-one votes to fifty-three.

On the first of February, Mr. Spencer offered a series of resolutions concerning the bank, one of which was to take from it the deposits of the public money. By consent, the resolutions were laid on the table.

Mr. Johnson, of Virginia, offered a resolution that the Judiciary Committee report a bill for the repeal of the charter, which he accompanied with a very severe denunciation of the conduct of the bank.

Mr. Spencer was in favor of a less violent course, in consequence of the varied mischief which an immediate destruction of the bank would cause.

Mr. Johnson's resolution was then, on the motion of Mr. Lowndes, referred to the Committee of the Whole, where the subject was debated at great length. Messrs. Johnson and Pindall insisted on several violations of the charter. Mr. Lowndes defended the bank on every point. Mr. M'Lane supported his views. Messrs. Tyler and Pindall replied to Mr. Lowndes. Mr. Walker, of Kentucky, warmly supported the resolution. It was negatived by one hundred and twenty-one votes to thirty.

Mr. Pindall moved to refer the bill to the Judiciary Committee, with instructions; but the motion was rejected. Mr. Spencer's amendment was agreed to, as was

Mr. Johnson's, for punishing bribery to the President or Director of the bank with fine, imprisonment, and disqualification for office, which passed by ninety-eight votes to twenty-six. The bill passed the Senate without amendment.

It appears from the preceding debate, and especially the full, clear, and dispassionate views of Mr. Lowndes, supported as they were by Messrs. M'Lane and Sergeant, that the three first charges against the bank for having violated its charter were unsustained by a fair and candid construction of it.

First. As to the charge of having been a purchaser of the public debt. The history of this transaction was as follows:—The bank had sold, in England, two millions of its funded stock, which, on its face, was not redeemable before 1825, but which, while in the hands of the bank, was, according to its charter, redeemable at the pleasure of the Government. The bank seemed to suppose, and, as some thought, rightly, that the irredeemable character of this stock was restored when it again became private property. The Secretary of the Treasury, however, insisted on the right of instant redemption. But as this would have been injurious to the English purchasers, as well as to the credit of the bank, the Secretary proposed that the bank should purchase for the Government stock to the same amount, which was accordingly done by the bank, at the cost of fifty-four thousand dollars above par, the rate at which it sold to the Government. Although, by this purchase of the public stock, the bank violated the letter of its charter, yet as, at the moment of purchase, it was transferred to the Commissioners of the Sinking Fund, and as it purchased it for the Government, and at its suggestion, it did not contravene the spirit and meaning of the charter,

which merely meant to prohibit the bank from being the owner of stock, or from purchasing it on its own account.

The charge respecting the second instalment was the necessary consequence of the bank's discounting before that instalment was paid; and it was required by the Treasury to go into operation thus early.

To the third charge, of paying dividends to delinquent stockholders, it was answered that it did not appear that such payment was made by order of the directors, or even with their knowledge; that it was the act of a subordinate officer; that these dividends, not amounting to four hundred dollars, were paid when the subscriptions were received, and when the receivers ceased to be delinquents.

The fourth charge, of allowing stockholders to have more than thirty votes at elections, by means of pretended powers of attorney, no one undertook to justify or excuse; but it was urged that it should not incur the forfeiture of the charter, as the practice had been general in other banks, and had been sanctioned in this by the first Commissioners named in the charter.

In many other particulars of its management, the conduct of the bank had been very reprehensible. After it had decided on going into operation before its capital was paid in, its regulations tended to favor the substitution of paper for specie, by allowing a discount of one hundred and twenty-five dollars on each share, when its par value was only one hundred dollars. It was censurable in allowing the President and Cashier to discount, contrary to their own by-laws, and inconsistent with the policy of the appointment of Government Directors. It was entirely justified in charging premiums for drafts, it being practically impossible for every bank of

an association to redeem the paper of every other; and each one would be in greater danger of suffering from the imprudence of others, than of their own.

The Military Committee, to whom the subject had been referred, made a report on the trial of Arbuthnot and Ambrister, and to the conduct of the war against the Seminoles, which concludes with a resolution disapproving of the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.

The Chairman of that Committee, Richard M. Johnson, in behalf of the minority of the Committee, then submitted a counter report, in which General Jackson's conduct in the Seminole war was vindicated throughout. On motion of Mr. Cobb, of Georgia, both reports were referred to a Committee of the Whole on the state of the Union.

The debate was begun on the eighteenth of January, by Mr. Cobb, who, on several grounds, censured General Jackson for the trial and execution of Arbuthnot and Ambrister. He then offered three resolutions:

First. That a bill be reported to prohibit, in war with any Indian tribe, the execution of any captive taken by the army of the United States, without the approbation of the President.

Second. That the House disapproves of the seizure of the posts of St. Marks and Pensacola, and the fortress of Barancas, contrary to orders, and in violation of the Constitution.

Third. That a bill be reported, prohibiting the march of the army, or any corps of it, into a foreign territory, without the previous authority of Congress, except in case of fresh pursuit of a defeated enemy taking refuge within such foreign territory.

The propriety of these resolutions he enforced at great

length. He was followed by Mr. Holmes, in defence of General Jackson. Thomas M. Nelson and Mr. Johnson, of Virginia, supported the resolution of the Committee.

The Speaker followed on the same side, and eloquently maintained that the invasion of Florida, the seizure of the Spanish posts, and the execution of Arbuthnot, were equally indefensible. "We are," said he, "fighting a great moral battle for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and envy; the other portion with hope, with confidence, and affection. Every where the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the West, to brighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in one universal darkness."

Mr. Johnson, of Kentucky, warmly defended Jackson. Mr. Smyth, on the same side, maintained that the United States had been justified in their course towards Spain; the President in his instructions to General Jackson, and Jackson himself in taking possession of the Spanish posts, and in the execution of Arbuthnot and Ambrister. Mr. Storrs insisted that Arbuthnot and Ambrister were not amenable to a court-martial, the jurisdiction of which is limited by positive enactment. Mr. Mercer maintained that the United States were the aggressors in the Seminole war. Mr. Lowndes admitted that Jackson's authority was competent to order the execution of Ambrister; but that Arbuthnot, found in the house of a subject of Spain, with which the United States were at peace, was not subject to a court-martial. Many others entered warmly into the discussion, among whom were Messrs.

Walker, Desha, Anderson of Kentucky, Tallmadge, Barbour, Strother, Floyd, Hugh Nelson of Virginia, Baldwin, Walker of North Carolina, and Erwin, in vindication of General Jackson: while Messrs. Jones of Tennessee, Hopkinson, Tyler and Colston of Virginia, Sawyer and Walker of North Carolina, Reed, Fuller, and Williams of Connecticut, were as strenuous in opposition.

They insisted that, supposing the court-martial to have been properly ordered, General Jackson was bound to respect its sentence against Ambrister: that, in no view, were these offences justly punishable with death, since these men had a right to enter into the service of a foreign Power, and, when taken captive, could only be treated as prisoners of war.

Their adversaries defended the acts against the authority of Spain, on the principles of national law. They urged that as Arbuthnot and Ambrister were the instigators of the war, and the cause of the massacres committed by the Indians, they well merited their fate: that, by the general laws of retaliation, Indian captives deserved death, in expiation of the lives of the prisoners whom they sacrificed; and that these Englishmen, entering into the service of the savages, subjected themselves to the same treatment: and lastly, the friends of Jackson pleaded that, supposing he had stretched his authority further than was strictly right, yet as he believed he was acting according to law, as he knew he was acting for the interests of his country, and in the defence of women and children exposed to the indiscriminate vengeance of these savages, when he had secured to the country its threatened peace and security, his errors in so good a cause merited forgiveness, and that his conduct was even entitled to praise. It added further laurels to those he had so nobly won at New Orleans.

It appears by the debates on this interesting theme, together with the ayes and noes, that the talents and weight of character in the House were fairly divided between the contending parties. Other feelings, doubtless, mingled with the sentiments which General Jackson's conduct excited in the minds of the respective members, and biassed their judgments. His victory at New Orleans had won for him so much of admiration and gratitude, as disinclined many to censure him, or even to think him deserving of censure; while others feared that this very popularity might elevate him to the highest office in the nation, for which his violent and arbitrary temper was thought to disqualify him. Probably, too, something may be attributed to envy, which ever seeks, by its malignant shade, to dim the lustre of great merit or success.

The resolution of the Committee which disapproved of the trial and execution of Arbuthnot and Ambrister, received but fifty-four ayes to seventy noes. On the resolution for prohibiting the execution of any Indian captive, the ayes were fifty-seven; noes, ninety-eight. On that which considered the seizure of the Spanish posts as contrary to the Constitution of the United States, the ayes were sixty-five; the noes, ninety-one: and that for prohibiting the march of a military force into a foreign territory without the authority of Congress, was also rejected, having received but forty-two ayes. This subject, which enlisted the feelings of the members more than any other of the session, occupied the House for eighteen days.

In the Senate, the sentiments of the members relative to the Seminole war were not clearly manifested. The subject had been, early in the session, referred to a select committee; but after Mr. Forsyth, who was a member of the committee, resigned his seat in the Senate, the

committee were equally divided on the question of justifying General Jackson. Mr. Eppes was then added to the committee; and late in February, Mr. Lacock, the Chairman, made a very full report, which, after detailing the facts relative to the invasion of Florida, unhesitatingly condemns that act, as well as the execution of Arbuthnot and Ambrister; but no subsequent action was taken by the Senate on the report.

Thus assailed in both Houses, General Jackson was fired with indignation at what he, no doubt, regarded as gross injustice and ingratitude on the part of his country; and in his avowed purposes of personal vengeance — which some thought were dictated quite as much by policy as by feeling — the ears of members of Congress in each House were freely threatened.<sup>1</sup> His resentment, however, was no further manifested than to write or sanction sharp strictures on Mr. Lacock's report, to which Mr. Lacock did not disdain to reply.<sup>2</sup>

In the English Parliament, Lord Lansdowne called upon the Ministry for information respecting the execution of Arbuthnot and Armbrister, which he unhesitatingly condemned as unwarranted by the law of nations. He also adverted to the rumored cession of Florida as very injurious to the British West India interests.

Lord Bathurst, in behalf of the Government, said that the cases adverted to solely concerned Spain. They were not such, however blamable in themselves, as would justify Great Britain in demanding reparation. As to the cession of Florida, he said that was a matter which

<sup>1</sup> This threat, which was the rumor of the day, seems to be made authentic by Mr. Lacock's reply to the strictures on his report.

<sup>2</sup> Both these papers were published in the *National Intelligencer*, and may be again read by the curious in the *Annals of the fifteenth Congress*, Vol. II., second session, page 2350.

depended solely on the Spanish Government. The motion for inquiry was negatived.

It may be here remarked, that the country being now relieved from the pressure of war, and the commercial embarrassments which it had so long experienced from the belligerents of Europe, the questions which now arose in Congress were, for the most part, comparatively of minor importance. They grew out of that ever watchful jealousy with which, in free countries, every exercise of power is regarded, whether it be by the Executive, the military, or a great corporation like the Bank of the United States. Thus the debate on the military appropriation bill turned chiefly on the power exercised by the Executive in employing and paying soldiers to work on public roads: that on the Bank of the United States, on its having transcended the prescribed limits of its charter: and that on the Seminole war, on the assumed authority exercised by General Jackson in the invasion of Florida, and in the execution of Arbuthnot and Ambrister. The two last subjects occupied more than half the session, and called forth the best efforts and talents of both Houses of Congress. But all even of these copious themes, which deserves a place in the history of the country, seems capable of being compressed into a small compass.

At this session, the southern part of the Missouri Territory took the first step towards State sovereignty, by applying to Congress to be erected into a Territorial Government, to be called Arkansas; and the Territories of Alabama and Missouri took the second step, through their respective Legislatures, of applying to be admitted as States of the Union: each of which applications had a different reception.

In the first discussion of the bill for the admission of

Missouri, Mr. Tallmadge moved an amendment, to limit the existence of slavery in the new State, by declaring all free who should be born in the State after its admission, and providing for the gradual emancipation of those who were now held in slavery; which motion was supported by the mover, Messrs. Livermore and Mills; and opposed by the Speaker, Messrs. Barbour and Pindall.

At a subsequent day, the proposed amendment was so altered as to make those born in the State after its admission, free only at the age of twenty-five; which gave rise to a warm debate, its opponents contending that Congress had no right to prescribe any details of its government, provided it was republican in form. Mr. Taylor, of New York, contended strenuously for the exclusion of slavery.

After further debate, Mr. Tallmadge's amendment was agreed to by seventy-nine votes to sixty-seven.

In the House, the debate was renewed with unwonted spirit by Messrs. Scott of Missouri, Storrs of New York, Holmes, Barbour, Simkins, and Butler of Louisiana, in opposition to the amendment; and by Messrs. Tallmadge, Taylor, Mills, Spencer, Campbell, Livermore, Terry, and Beecher, in support of it.

On the question of the first part of the amendment (the general exclusion of slavery), there were eighty-seven ayes, seventy-six noes. For the second part (freedom at twenty-five), the ayes were eighty-two; the noes, seventy-eight. On ordering the bill to be engrossed for a third reading, the ayes were ninety-seven; the noes, fifty-six.<sup>1</sup>

The bill then passed, and was sent to the Senate, where that part of it which respected freedom at twenty-five years of age was struck out by thirty-one votes to

<sup>1</sup> Annals of fifteenth Congress, Vol. I., second session, page 1215.

seven, and that which prohibits slavery generally by twenty-two votes to sixteen. Thus amended, the bill passed the Senate.

On its return to the House, that body concurred in the amendments by the Senate, except the one which prohibits slavery generally in the new State; and neither House receding on this point, the bill was lost.

In the bill for the admission of Alabama, there was no collision between the two Houses, or among the members, and the Territory was admitted as a State.

To the bill for establishing the Territory of Arkansas, Mr. Taylor moved the same amendment as that offered by Mr. Tallmadge to the Missouri bill. The first part (the general prohibition of slavery in the Territory) was decided in the negative by seventy-one votes to seventy. The second part of the amendment (giving freedom to the children born of slaves within the territory, when such children reach twenty-five) prevailed by seventy-five votes to seventy-three.

After abortive attempts to reconsider, and lay the bill on the table, the question on recommitting it was carried by the casting vote of the Speaker. The committee reported in favor of striking out the clause as to children of slaves when twenty-five, and the House concurred in striking out, by eighty-nine votes to eighty-seven.

Mr. Taylor then moved that, during the existence of the Territory, no slave shall be brought into it, and remain there more than nine months. This amendment was opposed by Mr. Whitman, of Massachusetts, who maintained that considerations of policy and humanity recommended a diffusion of the slaves, particularly by carrying them to the West. He insisted, however, on the power of Congress to impose the restrictions, and was in favor of exercising it in Missouri, though not in

Arkansas. Mr. Taylor's amendment was rejected by ninety votes to eighty-six, and the bill finally passed.

In compliance with a resolution of the House of Representatives of the preceding session, requiring the Secretary of War to make a report on such roads and canals as required the aid of the Government, with the view to military operations, on the seventh of January, 1819, Mr. Calhoun made a report on the subject.<sup>1</sup> He recommends a survey as a preliminary measure, and he suggests the employment of the army in the construction of roads and canals. He deemed it improper to discuss the constitutional question.

The Secretary of War also made a report<sup>2</sup> on the subject of abolishing the present establishments for trading with the Indian nations, and for leaving the trade open to individuals.

He recommends that the trade with the contiguous tribes of Indians be thus opened to individuals: but as to the trade with the more distant tribes, and those on the Pacific coast, he recommends that it be carried on by a joint stock company created for that purpose, as being best for the advancement of civilization with the Indians, the best for preserving the authority and ascendancy of this Government, and the best for a successful competition with the fur traders of Great Britain.

On the twenty-fifth of January, 1819, Mr. Lowndes, on behalf of the select committee to whom the subject of weights and measures had been referred, made a full and able report<sup>3</sup> on that subject.

After an historical notice of the most important foreign regulations on weights and measures, they recommend

<sup>1</sup> Annals of fifteenth Congress, Vol. II., second session, page 2443.

<sup>2</sup> Ibid. page 2455.

<sup>3</sup> Annals of fifteenth Congress, Vol. I., second session, page 755.

the adoption of absolute standards in preference to those which are founded on an invariable type in nature. In conclusion, they submit a joint resolution of the two Houses, by which the President was authorised to appoint a commission to carry into effect a series of resolutions respecting weights and measures.

The next day, Mr. Lowndes, as Chairman of a select committee, made a report<sup>1</sup> on the subject of foreign coins in the United States. They said the Spanish dollar and its parts, the gold coins of England, and the crowns and five-franc pieces of France, Portugal, Spain and her dominions, are made a legal tender in the United States; but after the twenty-ninth of April, 1819, no foreign coin, except Spanish dollars, will be a legal tender.

The report suggests that estimating the comparative value of gold to silver as fifteen to one, is rating gold too low. Both in Spain and Portugal, it is as sixteen to one; and at Cuba, in commerce, as seventeen to one; in France, it is fifteen and a half to one; in most parts of Italy, it is somewhat higher; in England, if a specie circulation is restored, it will be about fifteen and one-fifth to one; in Holland, as fourteen and three-quarters to one; in Germany, as fifteen to one. The difference in the United States, before the establishment of the present Government, appears to have been about fifteen and six-tenths to one. The difference proposed by Congress, in 1786, was fifteen and one-quarter to one. The committee suggest that the report of 1792 (Hamilton's), in estimating the average proportion in Europe as fourteen and eight-tenths, was founded in error,<sup>2</sup> from the difficulty

<sup>1</sup> Annals of fifteenth Congress, Vol. I., second session, page 788.

<sup>2</sup> He does not take into consideration that nearly thirty years may have altered the relative proportion. That of fifteen to one, in 1792, seems rather to have rated gold too high than too low.

of obtaining correct information of the mint regulations; and, at all events, they regard the valuation of gold at fifteen to one as too low. It is certainly too low now, and of the two millions lately purchased by the bank, the whole is silver. They recommend the proportion of fifteen and six-tenths to one.

The committee investigate the present scarcity of specie. They reject the heavy importations as the cause. They inquire if the East India trade is the principal cause, remarking that the whole amount of our current coin is probably not more than double of the export to India and China. But our exports of specie do not exceed twelve millions, and our sales of East India articles exceed that amount. They reject the third cause. They impute it altogether to the extensive employment of paper currency; and this cause has more influence, by reason of the India trade, which, requiring so much coin, subjects the currency to great fluctuations.

They suggest that gold should be the only legal tender for all debts above a moderate amount: also a diminution in the value of foreign coin, and particularly Spanish dollars, or a reduction of the weight of the American dollar; but the Spanish dollar will continue to be received by the banks and the people.

The committee recommend a seignorage, as making the national coin more valuable at home than abroad; and as being particularly advantageous in countries where both gold and silver are the legal currency. In conclusion, they recommend:

First. That fourteen and eighty-five one-hundredth grains be deducted as a seignorage on every dollar, so as to make such dollar contain three hundred and fifty-six and forty one-hundredth grains of pure silver, or three

hundred and ninety-nine and thirty-six one-hundredth grains of standard silver.

Second. That the eagle shall contain three hundred and fifty-nine and sixty-one one-hundredth grains of pure gold, or two hundred and fifty-nine and sixty-one one-hundredth grains of standard gold.

Third. That the provision which makes parts of a dollar less than halves a legal tender, shall apply only to sums below five dollars.

Fourth. That an appropriation be made to enable the bank to increase its coinage.

Fifth. That the act making foreign gold and silver coins a legal tender be continued for eighteen months.

A convention between Great Britain and the United States was signed on the twentieth of October, 1818.

By the first article, the United States shall have the right to take fish on the Banks of Newfoundland, and to cure and dry the same in the bays, harbors and creeks of the southern coast of Newfoundland.

The second settles the boundary line for the Lake of the Woods, by a line from the north-western part of that Lake, along the forty-ninth parallel of latitude; or if that point shall not be in the forty-ninth parallel, then a line from that point due north or south, until it shall intersect that parallel.

Third. The country on the north-west coast of America shall remain free and open to both nations for ten years, and the claim of neither nation shall be prejudiced thereby.

Fourth. All the provisions of the conventions of July, 1815, that were to last four years, to continue for two years from the date of this convention.

Fifth. The claims of citizens of the United States for slaves who were in any places to be restored to the

United States, or within their jurisdiction, to be referred to the decision of some friendly sovereign or State.

A treaty was concluded between Spain and the United States in February, 1819, for the cession of Florida for five millions of dollars; but it was not to be promulgated until it was ratified by Spain; the money to be paid to the citizens of the United States on account of spoliations by Spain on citizens of the United States.

In consequence of this treaty, one of the last acts of the session was a bill authorising the President to take possession of East and West Florida.

A joint resolution, the last of the session, provided a rule for naming the public ships thereafter, plainly showing how much this branch of the national defence had grown in the favor of the American people. The rule by which the Secretary of the Navy is to be guided, under the direction of the President, is, that ships of the first class are to be called after States of the Union; those of the second class after the rivers; and those of the third class after the principal cities and towns.

The third of March terminated the session, as well as the fifteenth Congress.

## CHAPTER XXI.

### MONROE'S ADMINISTRATION.

#### FIRST TERM.

1819—1821.

WE have seen that, even when these States were colonies, the institution of domestic slavery, by its various influences, divided them into two distinct social communities.<sup>1</sup> The division was little, if at all, affected by their subsequent political changes; and there have been few sessions of Congress in which this diversity has not manifested itself, if in nothing else, in mutual taunts and reproaches, or in abortive attempts to legislate on the subject. But the attempt to exclude slavery permanently from the Missouri Territory gave to the subject a political importance which no one seems to have anticipated. The subject has, since that time, assumed a magnitude and an interest which have rendered all other questions comparatively insignificant, and the final results of which, viewed with quite as much of fear as of hope, it is not given to human foresight to scan.

Let us frankly and fearlessly look at the character and extent of this lamentable political discord. By the States in which slavery is interdicted, its existence in other parts of the Union is generally regarded both as morally wrong and politically unwise — conflicting with the fundamental principles of our government, as declared

<sup>1</sup> Vol. I., page 97.

in our Constitution, Bills of Rights, and Declaration of Independence; that it is no less injurious to the prosperity of a country than it is indefensible on the score of right—in support of which opinions they refer to acts of the Old Congress, of the present Federal Legislature, and to repeated avowals of the eminent statesmen from the South as well as the North.

The people of the slaveholding States cherish the love of civil freedom with at least equal fervor. It is, perhaps, regarded by them with more *pride* than at the North, if not with more *affection*. But they do not consider these sentiments as incompatible with the slavery of Africans, whom they regard as an inferior, as well as a different race, and altogether unfit to discharge the high functions of free government. Nor is this all; for, supposing that the negro race had the requisite capacity, they see no medium between its unqualified slavery and its political equality with the whites, and the final amalgamation of the two races, which is to them the most direful of all alternatives. They therefore feel themselves warranted, on the principles of self-preservation, to continue the slave in his present condition, and by an extension of the policy which induces us to deprive women and children of political rights, to abridge those of the bondsmen yet more. But with this privation the essential comforts of this class are effectually secured by the sense of duty, the natural sympathies, and the direct interest of their master. By their practical operation, the condition of the American slave may compare advantageously with that of the laboring class in the civilized nations of the old world.

But to this difference of sentiment, growing out of different local circumstances, was now added, for the first time, a difference of interests between the two great divi-

sions of the Union. The vast region acquired by the purchase of Louisiana was plainly destined to be peopled by the Anglo-Saxon race, and to be parcelled off into new States, to which the citizens of all the States fondly looked, to which they might migrate when pressed by redundancy of numbers, or when attracted by the hope of bettering their condition, or the mere love of adventure. If, however, these new States permitted slavery, then, according to all experience, emigrants from any of the non-slaveholding States would be prevented from going thither; and if slavery was prohibited, that would prevent the migration of the slaveholders. The citizens, then, of both divisions were impelled by interest as well as congeniality of sentiment, to put the new States in the same class as their own.

In the Northern States, where, from a greater density of population, public opinion is more readily matured and expressed, declarations of the State Legislatures and public meetings had strongly enlisted popular feeling in favor of excluding slavery from Missouri. But in the Southern and Western slaveholding States, there had been no such manifestation of the popular sentiment. Yet the sensibility which the slaveholding States had always exhibited whenever the subject of slavery was agitated in Congress, as well as their direct interest in the question, left no doubt that the exclusion of slavery from Missouri would be as warmly opposed by their Representatives in the approaching session as it had been in the last.

Under the influence, then, of this interesting question, the meeting of Congress was anxiously expected by many of the people, and by all the politicians. An unusually large proportion of both Houses were assembled on the seventh of December, on which day the

Representatives elected Henry Clay Speaker without opposition; and on the following day the President sent his regular official message to both Houses.

He begins by congratulating them that the public buildings are now rendered sufficient for the accommodation of Congress. He regrets that several of our principal cities have suffered by disease; that an unusual drought has prevailed in the Middle and Western States; and that a derangement has been felt in some of our moneyed institutions, which has proportionably affected their credit; but that all these evils are in a progress of diminution.

He states that the treaty of amity and settlement of limits that had been concluded with Spain had not been ratified by the King, contrary to all expectation, and to the principles of good faith.

The Spanish Government allege, as the cause of their refusal, that the United States had attempted to alter one of the principal articles of the treaty (respecting grants of land, which, it was understood, had been made of all the lands previously ungranted); and that this Government had recently tolerated or protected an expedition from the United States against Texas. It further stated that it was about to send an Envoy to the United States.

The President says that it was the intention of the contracting parties to annul these grants of Florida lands; and this understanding was confirmed by an explanation which afterwards took place. The other allegation was entirely unfounded. Spain then had no good reason for not ratifying the treaty. Her course, if persisted in, would justify any measures which a strong sense of injury might dictate. It was therefore submitted to Congress whether the United States should not carry

the conditions of the treaty into effect, as if it had been ratified by Spain. We must have peace on a frontier where we have been so long disturbed, and our citizens must be indemnified for losses so long unjustly sustained. But as the King of Spain had proposed to send an Envoy to make an explanation on this subject, he recommends it as due to the courtesy, the magnanimity, and honor of the American people, to suspend any law that might be passed for carrying the treaty into execution, until the King of Spain has had an opportunity of making friendly explanations.

In the civil war between Spain and her colonies, he says the United States have maintained the strictest neutrality. Our ports have been open to both parties, and our citizens have been equally restrained from taking part with either. But the progress of the war had been manifestly in favor of the colonies. From their past success, he thinks it not unlikely that Spain may give up the contest. He suggests, as one of the means of preserving our strict neutrality, that those ports of our coast to which alone foreign armed vessels should be admitted, should be designated by law.

It had been hoped that, in the late commercial convention with Great Britain, some article could have been agreed upon that would have permitted, on principles of reciprocity, the commercial intercourse between the United States and the British possessions both in the West Indies and North America. There has been further negotiation on this subject, but the parties have not been able to agree on the terms. He submits to the consideration of Congress whether prohibitory provisions to this intercourse might not be expedient. Such a course would not be regarded as unfriendly.

Notwithstanding the pecuniary difficulties of the coun-

try, the receipts of the three first quarters of the year have been nineteen millions of dollars. After disbursing eighteen millions two hundred thousand dollars, there will remain in the treasury two millions five hundred thousand dollars. The whole receipts of the year will probably reach twenty-three millions.

The reduction in the price of the principal articles of domestic growth has not shielded the manufacturers from loss from other circumstances. They have been very injuriously affected by the pecuniary embarrassments of the country. The banks, in the reduction of the currency made necessary by their resumption of cash payments, have been obliged to lessen the aid afforded to the manufacturing establishments, at the time when it would have been peculiarly advantageous to them. They have been further injured by the large importations of foreign goods, which commercial embarrassments abroad have caused to be shipped to this country, and sold sometimes at prices below the cost where they were made. He deems it of great importance that manufactures should be encouraged by all means that are consistent with the other great interests of the country.

The survey of the coast for the establishment of fortifications is now nearly completed, and materials for their construction have been collected at various points.

Troops intended for the mouth of St. Peter's River are already stationed there, and those ordered to the mouth of the Yellow-Stone have reached the Council Bluffs.

Much progress has been made in building ships-of-war, and in collecting materials for ship-building.

A strong naval force has been found necessary in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian Oceans, for the protection of com-

merce. It seems especially necessary in the Mediterranean.

Orders have been given to the public ships to seize all vessels under the American flag engaged in the slave-trade.

In the report made by Mr. Crawford, Secretary of the Treasury, he states the amount of the public debt, by estimate, on the first of January, 1820, to be ninety-one millions seven hundred and twenty-eight thousand dollars. He considers that a loan will be indispensable, but as the six per cent. stock of the United States is above par, there will be no difficulty in obtaining the money required.

On the seventeenth of November, the Secretary made a report to the Senate on the subject of the public lands. The substance of the report is as follows:

The whole quantity of land purchased from the Indians is about one hundred and ninety-two millions of acres, for which the money paid or yet due to their original owner is somewhat more than two millions and a half of dollars. In surveying these lands, from 1789 to 1819, there has been expended near two millions and a quarter of dollars.

Of these lands, the quantity sold has been about seventeen millions of acres; that is, twelve and a quarter millions in the States north-west of the Ohio, and four millions and three-quarters in the States of Mississippi and Alabama.

The money yet due for the lands sold north-west of the Ohio exceeds ten millions of dollars; and for those sold in Mississippi and Alabama, near twelve and a half millions; making, in all, above twenty-two millions and a half.

The quantity reserved for military bounties is near

seventy-three millions of acres, of which eighteen millions have been sold, leaving above fifty-four millions unsold.

The engrossing topic of the admission of Missouri was soon taken up in both Houses, and bills had been, in December, introduced into both for the admission, which were duly referred for discussion to Committees of the Whole.

The discussion was, however, delayed in the House, in consequence of a resolution offered by Mr. Taylor, of New York, for the appointment of a committee to inquire into the expediency of prohibiting slavery generally in the territories west of the Mississippi. But the committee not being able to agree on a report, he asked that they be discharged, which being agreed to, he moved a resolution which prohibited the introduction of slaves west of the Mississippi, and which he supported in a speech at great length.

The subject was then postponed from time to time (partly to await the decision of the Senate on the subject), until late in January; when Mr. Storrs moved an amendment to the Missouri bill, by which slavery west of the Mississippi was interdicted in the territory north of thirty-eight degrees; which amendment, after discussion, was negatived.

An amendment was then moved by Mr. Taylor, which prohibited the further introduction of slavery into Missouri, but which was not to alter the condition of those in the Territory who were "now held to service or labor."

On this amendment the debate now exclusively turned, and it was continued with little intermission until the last of February. The deep interest felt in the subject was manifested by the number of the speakers, as well

as the length of the debate. In the House, above fifty members engaged in the discussion, which comprehended nearly every member who took part in any debate, and some who took part in no other. The principal arguments for and against the restriction, by their respective advocates, may be thus stated :

That when the present Constitution was formed, the slavery which existed in most of the States was expressly recognised, and it was stipulated that it was not to be interfered with, and was even to be protected. But the continuation of it where it already existed was a very different proposition from that of extending it where it was not yet established. In conformity with this distinction, when Kentucky and Tennessee were admitted into the Union, slavery in those States was not objected to, because it existed in them at the formation of the Constitution, and when they were parts of Virginia and North Carolina. It was not, however, the less regarded both as a political evil and a moral wrong by the States in which it was not tolerated, and in those which looked forward to its abolition. Accordingly, when the large and fertile country north-west of the Ohio, which Virginia had ceded to the Union, was to be laid off into States, it was by most solemn enactment provided that slavery was to be forever excluded from those States : and whatever difference of opinion there may be as to the authority of the Old Congress to make this enactment, there can be none as to the evidence it affords of their settled hostility to slavery.

The same feeling has been otherwise and repeatedly manifested by the Representatives of the American people. When the Constitution was formed, Congress was deprived of the power of prohibiting the further importation of slaves until the year 1808, in compliance

with the earnest wishes of South Carolina and Georgia, whose best lands, it was thought, could be cultivated only by the African race; but as soon as that year arrived, the prohibition was enacted. The slave-trade has also been interdicted to American citizens, and punished as a crime; nor have many sessions of Congress passed in which this deep-seated hostility to slavery has not been there manifested.

Nor is this sentiment, they say, to be wondered at. It is not more repugnant to the political principles which we profess, and on which we founded our separation from Great Britain, than it is in conflict with the national welfare and prosperity. By putting slaves in the place of freemen, we make the nation weaker, not merely from the inferiority of the former, but because, in time of war, an enemy is sure to find an ally in the slave, and because of the danger of insurrection at all times. It must also tend to lessen the wealth of the country, as it consigns one-half of the population to unwilling labor, and a part of the other half to idleness. It also lessens the public revenue, as the consumption of foreign imports by the slaves is less than that of freemen.

They further urge that the representation allowed for slaves, which was reluctantly assented to in the spirit of compromise, was not expected to extend to new States or Territories.

They add that the proposed introduction of slaves into Missouri, which would in so many ways be injurious to the whole Confederacy, would be also highly detrimental to the State itself: that to make its population wholly free, it would be thereby rendered more numerous, have more political weight in proportion to its numbers, be more intelligent, wealthy, and respectable. In proof of this, they refer to the difference between Pennsylvania,

cultivated like a garden, and the country around Washington, which is comparatively a desert: and that the future inhabitants of Missouri would find, in the benefits of the proposed restriction, cause of lasting gratitude.

In answer to the alleged want of power in Congress, they urge, in the first place, that the amendment substantially proposes a compact between the United States and Missouri, which compact she is competent to make, though she has not the power of making one with a foreign or a sister State, without the assent of Congress.

In further support of the amendment, they refer to several parts of the Federal Constitution. First, that clause which suspends the "migration or importation" of such persons as the States now existing shall think proper to admit, "applies exclusively to slaves," there being no supposable reason why the migration of free persons should be prohibited at any time, and still less why it should be liable to prohibition after 1808, and not before that time. Supposing, then, the whole clause to apply to slaves, the word "importation" applied to slaves brought from foreign countries, and migration to slaves brought from other States. A distinction is, moreover, recognised by this clause between the old and the new States, as the suspension of the power of Congress is expressly limited to the States "existing" at that time.

The power given to Congress to regulate commerce, and even that clause by which the United States guarantee to every State a republican form of government, was maintained by some to authorise the proposed restriction.

But that clause which was most generally and emphatically relied on, was the one which declares that Congress may admit new States into the Union; which

is clearly discretionary; and thus having the power to grant or refuse the admission, they may exercise the inferior power of admitting on conditions, which virtually stating the objections to unconditional submission, enables the applying State to remove them.

They say that every new State has been more or less subject to conditions, and that the power of Congress to impose them has never before been contested: that there is less reason to object to the conditions now proposed, as they are precisely such as all the North-western States have willingly submitted to; such as accorded with what was once deemed the settled policy in the creation of new States, and such as is recommended by so many considerations of moral right and political expediency.

These arguments to support the power of Congress, on the question at issue, are a sufficient answer to the claim derived by Missouri from the French treaty which ceded Louisiana, which did not, and could not, give to the inhabitants of the ceded territory any right inconsistent with the Constitution.

The advocates for the restriction were Messrs. Clagett and Plumer of New Hampshire; Adams, Cushman, Fuller and Whitman of Massachusetts; Edwards of Connecticut; Rich of Vermont; Ford, Gross and Taylor of New York; Kinsey of New Jersey; Darlington, Dennison, Hemphill and Sergeant of Pennsylvania; Beecher and Brush of Ohio; Hendricks of Indiana; and Cook of Illinois.

The opponents of the restriction, on the other hand, maintained that it was not only invidious to the slaveholding States, and abridged their share of political power, but was inconsistent with the sovereign rights reserved to the States: that if Missouri were to be

admitted into the Union as one of the States, from the moment of admission she would possess the same rights and powers as the other States, and like them could be subjected to no restraints except those imposed by the Constitution. No one will dispute that it is now competent to any of the States which compose the Union to establish domestic slavery, if it should so choose, because the Constitution, which alone limits their powers of legislation, is silent on the subject; and if they can do it, so can Missouri after she is admitted.

Nor is it true that, because Congress may refuse to admit a State, it may admit on conditions. This may be a larger and more dangerous power. Thus the President may pass or reject a bill, but he cannot propose amendments; and why? because, if he could, he would thereby have a share in the legislative power which he does not now possess, and which it was not deemed safe to give him. To show that the power of amendment was greater than that of rejection, stress was laid on the fact that the negative powers of the President had been seldom used, and by some Presidents not at all, yet if the Executive possessed the power of offering amendments, either here or in England, its exercise would be a matter of familiar practice. Besides, if Congress may annex one condition, it may annex another, and in this way the whole character of this Government may be changed; Congress would thus have the power of making a new Constitution; and we should, moreover, have the anomalous polity of a Confederacy, in which all the members, except the original members, would possess different degrees of sovereignty. Now, when it is recollected that the present Government, if it continue, is destined to spread over all the territory of the United States, and that the number of the States is likely to be more than

doubled, it cannot be supposed that one-half, or a majority of them, will consent to be thus shorn of their equal rights, and to be for ever held in a state of political degradation. They would resist it as they ought to do, and they must be put on a footing of equality, or they would dissolve the unjust and ill-assorted union. Let us not then attempt what we cannot permanently enforce, and what we ought not, in justice and sound policy, to enforce if we could.

In support of these views, they referred to cases in law in which conditions, though expressly made by the parties, are void because of their inconsistency with the grant; as, for example, a conveyance in fee-simple, with a condition not to alienate.

Attempts have been made to draw arguments in support of the restriction from the Ordinance of 1787. But besides that the authority of the Old Congress to pass that Ordinance has been well questioned by our ablest jurists and statesmen, its obligatory force on the Northwestern States has always been denied by them. Illinois has passed laws in contravention of it, and it is a begging of the question to assume that they could not introduce slavery if their interests or wishes should recommend it. To deny this, is to deny to them the rank of sovereign States. But if those States could now introduce slavery, in spite of the engagement of their predecessors, so could Missouri, even if she accepted the terms that are so derogatory to her sovereign rights.

On the ground of expediency to the slaveholding States, nay of their safety, and perhaps of existence, this policy should be rejected. Thus if, in the creation of every new State, you prohibit the introduction of slaves, this class of population must always be gaining on that of the whites. Migrations have been ever taking place,

and will continue from the more thickly-settled and exhausted lands of the Atlantic to the cheaper and more fertile lands of the West. So long as the slave-owner can carry his slaves with him, as he has hitherto done to most of the Western States, the proportion that consists with safety and tranquillity continues in the new as well as the old States. But if that cannot be done, and whites continue to emigrate, as they certainly will, the blacks left behind must be continually increasing in proportion to the whites, as certainly as if a man were to kill all his white sheep and retain his black ones, the whole flock would in time become black. In this way, the States continually increasing in their colored population, the whites would, sooner or later, find it expedient to give up the States to the colored population. When threatened with such a result, or at any rate with a constantly increasing disproportion, against their long-settled policy, is it to be wondered at that they are alarmed, and that they consider any alternative, even a separation from associates who are so reckless of their interests, as preferable?

The incidental benefit to the revenue from a free over a slave population is a small consideration, if well-founded; but the assumed fact may well be disputed. If the slave consumes less, the master consumes more; and the excess in one case compensates for the deficiency in the other. The consumption of foreign commodities in all the States is in proportion to their production, and if we can rely on statistics, the production of the slave-holding States is as great as the other, in proportion to number, and by the greater value of their products, and by the advantages of climate may be somewhat greater.

They insisted with indignant earnestness that the supposed facts of the present unhappy condition of the slave,

and of the improvement of that condition by emancipation, which furnished leading motives to adopt the restriction, were altogether gratuitous and unfounded. His condition was positively good (if happiness instead of liberty be the great end of good government), and the assertions to the contrary had originated in local ignorance and malice, or wild fanaticism, in support of which they might confidently appeal to most who had visited, and all who had resided in the slaveholding States.

Nor is it true that, by Missouri's admission of slavery, you increase the number of slaves. Their rate of increase is now at its maximum, and consequently would be no greater in a new State than an old one. The only difference is, that, by confining the same number within narrower limits, you make the free population less safe than if they and the proprietor class were diffused over a larger space in fair proportion.

The opponents of the restriction were Messrs. M'Lane of Delaware; Smith of Maryland; Barbour, Johnson, Mercer, Nelson, Parker, Pindall, Randolph, Smyth, Tucker<sup>1</sup> and Tyler of Virginia; Walker of North Carolina; Erwin, Lowndes, Pinckney and Simkins of South Carolina; Cobb and Reid of Georgia; Anderson and Clay of Kentucky; Jones and Rhea of Tennessee; Rankin of Mississippi; and Scott from the Missouri Territory. These members from the slaveholding States received a partial support from Messrs. Meigs and Storrs of New York, and from Mr. Baldwin of Pennsylvania.

The only effect of this multitudinous discussion (of which but a faint sketch has been here given) was to confirm each member in the opinion which he had pre-

<sup>1</sup> To correct a mistake often made, I will remark that this was not Henry St. George Tucker, no longer a member of Congress, but was the writer of these Annals.

viously entertained, without producing the smallest influence on those who differed from the speaker.

The vehemence and occasional bitterness which had marked the preceding debate, and the obstinacy with which each party adhered to its own views, produced a painful anxiety in many a patriotic bosom, who began to fear that this new question would prove to have a repulsive force which might overcome all the attractive influences that had been hitherto supposed to bind the States in one indissoluble union.

The debate in the Senate was of a similar character both as to zeal and ability. But there the bill for the admission of Missouri was, after much opposition, united to that for the admission of Maine. In that body, Mr. Pinkney, of Maryland, was supposed to have borne off the palm of eloquence and argument from all competitors. His first speech was expected by the public with an anxiety proportioned to his high reputation for eloquence. Before he made his appearance in the Senate Chamber, every seat in that apartment, nay, every nook and corner, was occupied by a promiscuous crowd of ladies and gentlemen, so that the number crowded into that space was estimated by one present as something more than a thousand. Soon after the Senate was called to order, he entered in a somewhat hurried and bustling manner, and in a few minutes one might have heard his neighbor breathe, so engrossed were all present in the orator's beautiful imagery and felicitous diction.<sup>1</sup>

Some days after, Mr. King was induced to enter the lists with him, he being supposed to be the ablest man on the Northern side of the question; and he made a

<sup>1</sup> A member who was no ordinary judge, and not much given to extravagant praise—Mr. Randolph—told a friend that on that occasion Mr. Pinkney was Demosthenes, Cicero, Chatham, Fox, and Burke combined.

speech, with his wonted ability, which was entirely satisfactory to his party, as he maintained that there were principles involved in this question which were beyond the power of legislation, and in not very doubtful terms intimated that slavery could not be tolerated under any code of laws.

Mr. Pinkney decided on replying to him, and the Senate having adjourned over from Friday to Monday, Mr. Pinkney had two days to prepare his reply. But Mr. Smith, of South Carolina, occupied the whole of that day, so that it was the next day before Mr. Pinkney could be heard. He came accordingly on Tuesday morning, and as there had been so short an interval between the speech of Mr. King and his, it had the appearance of a reply made without the labor of preparation. It was a masterly effort, and as he triumphantly refuted Mr. King's dialectics, and gained a complete victory in the argument, the gratification which this afforded to his party made them overrate the merit of this last speech, and place it higher than his first. This, however, was a mistake. If the two had been fully reported, there would have appeared to be no comparison between them, as intellectual efforts.

The last had also very great merit, of which we may offer some proof. While he was dissecting and exposing the fallacies of his adversary, Mr. King, who felt the power of the argument as much, or more, than any man in the Senate Chamber, was deeply mortified, and in his sense of humiliation, unconsciously hung his head; but after the orator had his adversary at his feet, he, by a graceful and happy transition, disclaimed any thing of personal feeling in this rencontre; on the contrary, he professed the highest respect and gratitude towards the Senator from New York, and spoke in his happiest manner of

the kindness and courtesy he had experienced from that gentleman when he represented the United States as their Minister to Great Britain, and when he himself occupied the humbler place of one of the Commissioners under the treaty of 1794. This was done so handsomely, and in such a liberal tone of feeling, that Mr. King raised his head, his countenance then beaming with a smile, and seemed, in the gratification of the moment, altogether oblivious of the logical castigation he had received. He went up to Mr. Pinkney, after the orator had finished, and offering his hand, said, "Sir, you have acquitted yourself to-day as a scholar, a statesman, and a gentleman."

When one considers the feelings which the refutation of a public argument usually engenders, and the circumstances of the present discussion, it must be confessed that there has seldom been a stronger proof of the power of reasoning and eloquence, and the passage is highly honorable to both parties.

It was impossible for a debate in Congress to be continued so long, and to be carried on with so much heat and vehemence, without producing a lively excitement throughout the country. Accordingly, the letters constantly received by the members from their constituents, and the periodical press, showed that it was regarded as a great struggle for political power every where; and in the slaveholding States it was considered as a struggle for their dearest rights, and their most vital interests. The number and length of the speeches delivered on this topic, in the House of Representatives, caused the sessions to be protracted to an hour, sometimes a late one, in the night.

The House resolved itself into a Committee of the Whole for the admission of Missouri into the Union, on

the twenty-fifth of January, 1820, and the subject was discussed in the Committee until the twenty-third of February, when, on consideration of the amendments of the Senate to the bill for the admission of Maine, Mr. Taylor, of New York, moved to disagree to the amendment which proposed the admission of Missouri, when a majority was in favor of disagreeing; and on the motion to disagree to the ninth section of the same bill, by which, in all of Louisiana north of thirty-six degrees and thirty minutes, except only such portion as was in the State of Missouri, "slavery shall be for ever prohibited," one hundred and fifty-nine were in favor of disagreeing, to eighteen.<sup>1</sup>

On the twenty-eighth of February, the House was informed that the Senate insisted on their amendments to the bill for the admission of Maine; and on the motion to insist on their disagreement to all but the ninth section, when ninety-seven voted in the affirmative to seventy-six. On their disagreement to the ninth section, the vote was one hundred and sixty to fourteen.<sup>2</sup>

On this day, Mr. Lowndes proposed an amendment to the rules of the House relative to *decorum* and *debate*: "That if any member shall not confine himself to the question under debate, and shall be called to order, if the decision of the Speaker, or of the House, upon appeal, be against the member, such member shall not be at the time permitted to proceed, without the special leave of the House."

To this proposition, Mr. Randolph offered as an amendment the following proviso: "Provided that, in such case, the words in question shall be reduced to

<sup>1</sup> Annals of sixteenth Congress, Vol. II., first session, page 1457.

<sup>2</sup> Ibid. page 1557.

writing, and that the member thus called to order shall be at liberty, if he shall choose, to explain the same."

Both the rule proposed and the amendment gave rise to debate, in which the proposed rule was assailed by several, and defended only by the mover.

As the history of this proposition is not generally known, and is characteristic of several of the leading members of the House, a statement of it may not be unacceptable to the reader.

On the twenty-sixth of February, Mr. Randolph, of Virginia, who felt the liveliest interest in the proposed restriction of Missouri, as against the rights of the States, and the interest of the slaveholding States, was naturally desirous of exerting all his rare powers as a public speaker in opposition to the bill; but as sometimes happens to all, and especially to him, such long previous preparation was a disadvantage to him, and his speech was regarded as an utter failure. No one was more sensible of this fact than the orator himself; but he was not of a temper to desist without a struggle to redeem himself with the House, and he renewed his efforts. His style was habitually desultory, giving himself up to the associating faculty, and following its varied and capricious suggestions, which indeed constituted one of the charms of his eloquence; but he now was more rambling than usual, and the most of what he said would have suited any other subject quite as well as the admission of Missouri. He was still speaking one afternoon some time after the hall had been lighted up, and Mr. Lowndes, who had been walking to and fro on the long platform behind the Speaker's chair, came up to Mr. Clay and another member—exhibiting a degree of impatience that was unusual with him—and adverting to Mr. Randolph's desultory and irrelevant speech, said, "this is not only a waste of

time, but it is a loss of character," and made some other remarks not now recollected. On which Mr. Clay, with his wonted good-humor, said, "I will call him to order, if you will support me." Mr. Lowndes readily assenting, Mr. Clay went on the floor, and called the member to order, as not speaking on the subject under discussion. Mr. Nelson, of Virginia, was Chairman; and after some opposition on the part of Mr. Randolph, the Chairman decided that the member was not in order: on which Mr. Randolph said, in an under key, "then I will go on another tack." He accordingly renewed his speech, and in a few minutes was as rambling, and as far from the question as at first, and the House had to wait until he was done.

The conclusion of this piece of Congressional history should also be told.

Mr. Lowndes proposed his amendment to the rules on the twenty-eighth of February, Tuesday. Some debate thereupon arose. On Thursday following the discussion was renewed, and in the mean time there was a strong reactive feeling in favor of Mr. Randolph, who seemed to have been specially aimed at by the proposed rule; and on the vote, Mr. Lowndes's proposition was rejected by eighty-seven votes to sixty-three.

This was not the last of the controversy. Some time afterwards, Mr. Randolph, in a speech on some subject of debate, took occasion to exhibit to the House portraits of characters taken from Sallust, one of which he intended for Mr. Lowndes, accompanied with the sarcastic remarks for which he had equal fondness and skill; and thus the contest ended.

Instead of the absolute restriction of slavery in Missouri, Mr. Storrs, of New York, proposed that the question of restriction be submitted to the people of Missouri

for their acceptance or rejection, which proposition was rejected by ninety-eight votes to eighty-two.<sup>1</sup> On the proposition to concur with the Senate in its amendments, the votes were ninety-four to eighty-six;<sup>2</sup> and on the proposition of Mr. Taylor, of New York, that if Congress shall approve the Constitution of Missouri, it shall be admitted, was rejected by one hundred and twenty-five votes to forty-nine.<sup>3</sup> The question on the engrossment of the bill passed by ninety-three votes to eighty-four.<sup>4</sup> On the first of March, the bill passed the House by ninety-one votes to eighty-two.<sup>5</sup>

On the second of March, the bill was returned to the House as passed by the Senate, with amendments; and on the same day, Mr. Holmes, in behalf of the Committee of the two Houses on their disagreement as to the Maine bill, reported that they recommend to the Senate to recede from their amendments, and that they recommend to the two Houses to strike out of the bill now pending in the Senate for the admission of Missouri, the clause prohibiting the further increase of slavery in Missouri, and to substitute for it that in all the territory of Louisiana north of thirty-six degrees and thirty minutes slavery shall be for ever prohibited: which report was laid on the table.

The question was then taken on the amendment in the Senate which proposed to strike out the restrictive clause, and it was carried by ninety votes to eighty-seven; and on the question of the amendment as to the line of thirty-six degrees and thirty minutes, it passed by one hundred and thirty-four votes to forty-two.<sup>6</sup>

This was the provision which was the result of a

<sup>1</sup> Annals of sixteenth Congress, Vol. II., first session, page 1564.

<sup>2</sup> Ibid. page 1565.

<sup>3</sup> Ibid. page 1566.

<sup>4</sup> Ibid. page 1567.

<sup>5</sup> Ibid. page 1572.

<sup>6</sup> Ibid. page 1587.

compromise between several of the leading men of both Houses, who were justly alarmed at the vehemence and obstinacy of the two parties on this interesting subject, and were desirous of putting an end to the agitating question by a mutual surrender of a part of their opinions and wishes. It had indeed, from the first, seemed to be a favorite scheme with some of the members from New York.

Of the forty-two members who voted against the compromise, five were in favor of restricting slavery in all the country west of the Mississippi, except in the State of Louisiana, and the other thirty-seven<sup>1</sup> voted with them because they were opposed to any restriction whatever, not only as against the interests of the slaveholding States, but as repugnant to the rights of sovereign States.

On the next day—the third of March—immediately after the journals were read,<sup>2</sup> Mr. Randolph moved that the House reconsider their vote of the day before, by which they concurred in the first amendment of the Senate to the Missouri bill. The Speaker having declared the motion out of order until the call for petitions from the members from each State were gone through, an appeal was taken from the decision of the Speaker, and it was sustained by the House.

<sup>1</sup> Of these members, there were from Maryland, one; Virginia, eighteen; North Carolina, six; South Carolina, four; Georgia, four; Kentucky, one; Tennessee, two; and Louisiana, one; total, thirty-seven.

<sup>2</sup> There is some discrepancy, not very important, between this notice of Mr. Randolph's course on this occasion, and that recorded in the *Annals of Congress*, usually so correct. This is taken from the *Journals of the House*. See *Journals of the House* for 1819–20, page 280; and *Annals of the sixteenth Congress*, first session, Vol. II., page 1588.

On a proposal of the Senate to have a further conference on the Maine bill, the House agreed to the same, and appointed managers on the part of that body.

Mr. Randolph then renewed his motion to reconsider their vote of yesterday for concurring with the first amendment of the Senate; on which the Speaker informed the House that the proceedings on that bill had been officially communicated to the Senate, and that Mr. Randolph's motion was, consequently, out of order;<sup>1</sup> on which Mr. Randolph offered a resolution,

That, in carrying the bill for the admission of Missouri to the Senate, after a member from Virginia had given notice of his intention to move a reconsideration of the question, the Clerk was guilty of a breach of the privileges of a member of the House.

On the question of consideration of the resolution, it was decided in the negative.

Mr. Randolph then moved that so much of the thirty-seventh rule as allows the reconsideration of any question, by motion of a member of the majority on such question, on the day succeeding that on which such question was taken, be expunged; which proposition was laid on the table for one day.

The Senate concurred in the course recommended by the Committee of conference, on the subject of the admission of Maine.

The object of Mr. Randolph was to defeat the compromise, and some of his remarks were well calculated to further his purpose, as he taunted the Northern members who had favored the compromise with having been

<sup>1</sup> In the following year, Mr. Clay took occasion, in a reply to Mr. Randolph through the newspapers, to advert to this transaction, and said that the Clerk had done no more than his duty in carrying the bill to the Senate, notwithstanding Mr. Randolph's motion to reconsider.

alarmed at the violence of the Southern members, which he compared to the fears felt by children at a doughface; and this expression of his afterwards became a by-word of reproach towards those who are driven from their course from apprehension of slight or of ideal danger; and thus was settled for the time this agitating and painful controversy.

On the twelfth of February, a report<sup>1</sup> was received from Mr. Crawford, Secretary of the Treasury, on the condition of the Bank of the United States, and on the subject of the national currency, which, under the circumstances of the country, deserves a fuller notice than usual.

He estimates the active banking capital of the United States at seventy-five millions of dollars, so much of the nominal capital being furnished by the loans made by the banks themselves; the specie in all the banks at fifteen millions five hundred thousand dollars; the specie in circulation he thinks does not exceed four millions five hundred thousand dollars: making the whole metallic currency twenty millions, and the whole amount of bank-notes in circulation forty-five or forty-six millions of dollars.

That the circulation of bank-notes had increased, from 1813 to 1819, twenty-five and nine-tenths per cent. The increase from 1811 to 1813, was in the proportion of sixty-two to ninety-nine. In 1813, the whole circulation, paper and metallic, was seventy millions; in 1815, one hundred and ten millions; in 1819, forty-five millions. This sudden reduction had a most injurious effect on commerce and productive industry. There have been few examples of a distress so great from this cause.

It is highly important that the banks in all the States

<sup>1</sup> Annals of sixteenth Congress, Vol. II., first session, page 2363.

should redeem their notes in specie; until this is done, their paper will continue to depreciate. He regards the occasional suspension of specie payments as an inseparable incident from banks where the paper constitutes the chief currency of the country. He considers a metallic currency, connected with a paper circulation, convertible into specie, as the best currency that can be devised; and that banks should be established only in the principal commercial cities.

The measures he suggests as remedies for the existing evils of a deficient, and in some places a depreciated, circulation are:

To restrain banks, if practicable, from issuing notes of small denomination.

To restrain their excessive issues when their notes are not returned on them for specie.

That the proportionate value of gold to silver be raised from fifteen, to fifteen and three-quarters to one.

Small coins of mixed silver and copper are suggested.

He is opposed to the issue of treasury-notes as a currency. They would have no advantage over the notes of the United States Bank, and might even be of less value, and the Government would be likely to receive all its due in those notes, and not be able to pay the interest of the public debt in specie.

He is decidedly of opinion that it would not be expedient that Congress should substitute a paper currency for that which now exists. Supposing, however, the policy of a paper currency by the Government to be adopted, he states the conditions which he thinks indispensable to its success:

First. That the power of the Government over the currency be absolutely sovereign.

Second. That its stability be above suspicion.

Third. That its justice, morality and intelligence be unquestionable.

Fourth. That the issue of the currency be made to depend not only upon the demand for it, but that an equivalent be actually received.

Fifth. That such equivalent can be found only in gold and silver, or of public stock.

Sixth. That whenever, from any cause, the currency becomes redundant, it may be funded at an interest a fraction below that which was surrendered at its issue.

On all of which propositions he gives his views. He thinks, upon the whole, that the only obstacles to the establishment of a paper currency by a State having the right to establish one, is "the danger of the instability and want of integrity and intelligence of the Government: that the difficulties are greater in our complex system of government: and that the parts of the country now suffering most from the deficiency of circulation would be least benefited. He, with some caution, is opposed to the scheme at present, thinking it likely to augment the existing evils, rather than to diminish them.

On the ninth of March, Mr. Lowndes offered a report from the Committee on Foreign Relations, in which a review was taken of the relations between the United States and Spain, and which concluded with offering a bill for taking possession of Florida, and providing that the powers of government be exercised by such persons as the President shall appoint, until the end of the next session of Congress, unless other provisions shall previously be made by law.

On the twenty-second of March, the nation was thrown into mourning by the death of Commodore Decatur in a duel with Commodore Barron. On the twenty-fourth, Congress adjourned to attend the funeral. The adjourn-

ment was opposed by Mr. Taylor, of New York, in consequence of the mode in which he lost his life.

On the twenty-seventh of March, the President, in a message to Congress, informed them that the Emperor of Russia, from the interest which he takes in the treaty between the United States and Spain, had prevailed on her to give a new pledge that she would send an Envoy without delay to the United States, with full power to settle all differences: that France and Great Britain have also both interposed their good offices to promote its ratification. On these accounts, he suggests whether we had not better postpone a decision of the questions with Spain until the next session.

An amendment to the Constitution of the United States had been proposed by Mr. Cobb, of Georgia, "That no member of Congress shall, during the time for which he was elected, or within one year thereafter, be appointed to any civil office under the authority of the United States." It was negatived on the fifteenth of April, by eighty-seven to seventy-two. The main objection to the amendment was, that, by such a provision, often the most capable and experienced men would be excluded from the Cabinet, from diplomatic appointments, and other offices requiring the best talents of the country.

On the ninth of May, the President sent to Congress the correspondence between the Spanish Minister and the Secretary of State, respecting the treaty lately concluded between them, by which it appears that the Minister has no authority to surrender the territory; and that Spain requires, as the condition of executing that treaty, that the United States shall abandon the right to recognise the revolutionary colonies of Spain in South America, or to form other relations with them. As an

important change has lately taken place in the Government of that country,<sup>1</sup> he again recommends forbearance on the part of the United States, to do themselves justice.

A resolution, authorising the President to negotiate with foreign Governments on the means of effecting the entire abolition of the slave-trade, was passed.

Though Congress was so engrossed by the Missouri discussion, it found time for several important acts of legislation.

The one which most deserves our notice is that which put an end to all sales of the public lands on credit after the first day of July.

By the system which had been in operation for many years, these lands were sold on a credit, and to prevent their being monopolised by speculators, the price was limited to two dollars an acre. But as further indulgence than was given by the law was frequently applied for by the purchasers and granted by Congress, the debts to the Treasury were gradually augmenting, and at this time they amounted to upwards of twenty millions of dollars. When such a large number, residing mostly on the outskirts of the settled country, were thus placed in the delicate relation of debtors to the Government, it was apprehended by many that a foundation was thus laid for future discontent, and possibly disaffection — to prevent which, the change in the mode of sale was now made. The minimum price by the present bill was limited to one dollar and a quarter an acre. The bill passed by the large majority of one hundred and thirty-three to twenty-three;<sup>2</sup> and the majority would have

<sup>1</sup> This alludes to a recent revolution in Spain, in which the authority of the Cortes was restored.

<sup>2</sup> Annals of sixteenth Congress, Vol. II., first session, page 1901.

been yet larger, if, to accommodate the poorest class, as some anxiously desired, a quarter section could have been purchased on a credit.

The number of pensioners for services in the Revolutionary War had proved so much greater than had been expected, considering that near forty years had elapsed since that War terminated, that it was found expedient to relieve the treasury from a part of the burden. It was therefore enacted that no pensioner under the act of 1818 should thereafter receive a pension, unless he exhibited proof, according to the act, of the value of his property; on the receipt of which by the Secretary of War, he is required to strike from the list of pensioners all whom he does not think to be in such indigent circumstances as to be unable to support themselves without public assistance.

An act supplemental to "the navigation law," was passed, by which the interdict of all commercial intercourse between the United States and certain ports of the dominions of Great Britain was extended to New Brunswick, the Islands of Newfoundland, Cape Breton, Bermuda, the Bahamas and Caicos, under the same regulations and penalties.

Mr. Clay again offered a resolution, that it was expedient to provide an outfit and salary for such Minister or Ministers as the President might send to any of the Governments of South America "which have established and are maintaining their independence of Spain;" which resolution, after a spirited debate, was adopted by eighty votes to seventy-eight.<sup>1</sup>

The most important measures which failed at this session were, a tariff for the protection of manufactures, the policy of which was discussed principally by Mr. Baldwin

<sup>1</sup> Annals of sixteenth Congress, Vol. II., first session, page 2229.

in its favor, and Mr. Lowndes against it; and the debate, in which several others participated, already gave indications of the very lively interest which it was destined to excite. The parties for and against protection were nearly equal.

Numerous petitions and memorials were presented in favor of a bankrupt law, but no bill was the consequence in either House.

There was also an attempt to inquire into the situation of the settlement on the Pacific, to authorise the occupation of the Columbia River. Mr. Floyd, in behalf of the Committee to whom the subject was referred, made a full historical report<sup>1</sup> on the subject, and submitted a bill for the occupation of the Columbia, and for the regulations of the government there to be established; but there was no further action on the subject.

At this session was begun that system of protecting manufactures by laying heavy duties on those imported from abroad, which has ever since, more or less, been a theme of controversy between the different geographical sections of the country, and occasionally between its political parties.

The bill which was brought in to lay additional duties on imports, for the avowed purpose of encouraging domestic manufactures, caused much discussion between the States which had made most progress in manufactures, and those which had made least; and after it was clearly manifested that there was a majority in favor of that policy, Mr. Baldwin, of Pennsylvania, who was Chairman of the Committee on Manufactures, moved to postpone the bill to the next session, which was done.

The Emperor of Russia was the umpire agreed upon by the United States and Great Britain to determine the

<sup>1</sup> Annals of sixteenth Congress, second session, page 945.

dispute between them as to the true construction of the article in the treaty of Ghent relative to the slaves which the British carried off from the United States.

The charter of the Banks in the District of Columbia were renewed at this session, but with this clause added, that such charters may at any time be revoked at the pleasure of Congress; yet such was the confidence of the public that their power would not be abused, that there was not only a general acquiescence on the part of the banks, but capitalists at a distance became stockholders in those banks for the first time.

An act was also passed for limiting the term of office of a very large and important class of officers to four years, though they were to continue removable at the pleasure of the Executive. They were all subject to pecuniary responsibility, sometimes to a large amount, which they occasionally abused; and it was thought to afford additional security against their delinquency when they might lose their office by the President's failure to reappoint, instead of the more irksome duty of positive removal. The officers to which the act applied were district attorneys, collectors of customs, and others engaged in collecting the revenue, paymasters of the army, apothecary-general, and commissary-general.

Spain had adopted a new Constitution, by which the power of the Cortes was fully established.

Don Francisco Dionisio Vives, afterwards Governor of Cuba, was the special Envoy to the United States. The correspondence between him and the Secretary of State was altogether unsatisfactory, though courteous, and apparently friendly.

In aid of the law laying further duties on imports, there was a bill which laid an auction duty of ten per cent. on sales at auction, which was deemed, by the friends

of manufactures as important as the impost bill. Both were postponed until the next session.

On the fifteenth of May, the House adjourned to the second Monday in November.

Congress assembled, according to adjournment, on the thirteenth of November, when the Clerk read a letter from Henry Clay, in which he stated that being unable, from imperious circumstances, to attend Congress until after that body had convened, he was compelled to ask of the House to accept his resignation as Speaker.

The House then proceeded to appoint a Speaker, when it appeared that the favorite candidates were John W. Taylor and William Lowndes; though, in the course of nineteen ballots, on the first and second days, neither could obtain a majority of the whole House.

The next day, on the twenty-second ballot, Mr. Taylor was chosen by the majority of one.<sup>1</sup>

The President's message was received on the same day, but it was not read until the following day.

He speaks of the general prosperity of the country, notwithstanding the "pressure on certain interests," and which have, in fact, been owing to that very prosperity, and which we ought to regard as salutary admonitions against too great indulgence and extravagance in seasons of extraordinary success.

He adverts to our foreign relations, beginning with Spain. He still entertains hopes that all will be amicably settled with that Power.

The commercial relations between the United States and the British colonies in the West Indies have undergone no change. The measures resorted to by the United States were purely defensive, and the experiment

<sup>1</sup> Journal of House of Representatives, page 7.

they have made to prevent the monopoly to British merchants, is proceeding in a spirit of amity.

The construction of the first article of the treaty of Ghent has been submitted by them to the decision of the Emperor of Russia, who has accepted the umpirage.

An attempt has been made to place the trade between the United States and France on a footing of reciprocity and equality; but the difficulties in the way of that object have not yet been removed.

The revolted colonies of Spain have had increased success, but there are serious divisions among the colonies themselves. The late change in the Government of Spain promises to favor the colonies, and peace will probably be restored between them.

Our internal concerns are very encouraging. The public debt, in 1815, may be estimated at one hundred and fifty-eight millions. On the thirtieth of September, 1820, it amounted to ninety-one millions; in which time the public edifices in Washington have been rebuilt, extensive fortifications have been begun, arsenals and magazines have been erected, and the navy has been considerably augmented. These results are the more gratifying, as the direct tax and excise were repealed soon after the termination of the war.

The receipts into the treasury have amounted to sixteen millions seven hundred and ninety-four thousand dollars. The loan of three millions was readily obtained at an interest of five per cent.

The sum now due to the treasury for public lands is nearly twenty-three millions of dollars. He submits whether, under the existing circumstances of the country, some indulgence should not be given to the purchasers.

He speaks of the progress made in the coast survey,

in the collection of materials, and in the construction of fortifications at different points. He also notices the military stations on the Western frontier.

Peace has been preserved with the Indians, and the efforts to give them the arts and habits of civilization have been attended with happy results.

We have also, by the aid of a squadron in the Mediterranean, kept peace with the Barbary Powers.

The public ships have been employed on distant service for the protection of commerce, and on the coast of Spain for the suppression of the slave-trade.<sup>1</sup>

A resolution for amending the Federal Constitution, by providing an uniform mode of choosing Representatives in Congress, and Presidential Electors, passed the Senate with little or no opposition, but it failed in the House; some thinking that it interfered too much with the power of the States; while others were influenced by personal or party feelings.

In consequence of the bill before the House of Representatives at the last session for the increase of duties on foreign fabrics, for the avowed purpose of protecting manufactures at home, petitions were sent on to Congress against an increased tariff, from the people of the South, who, as consumers, are interested in getting their manufactures in that market which is the cheapest.

Though the subject of restricting slavery in Missouri was considered as settled at the last session, on the principle of compromise, the feelings which it had excited had not entirely subsided, but, like the ocean after a storm, it still exhibited somewhat of the previous agitation.

Mr. Scott, the member from the Territory of Missouri, on the sixteenth of November, presented the Constitu-

<sup>1</sup> Annals of sixteenth Congress, page 11.

tion of that Territory, which was referred to a select committee of three — Messrs. Lowndes, Sergeant, and Smith of Maryland. The committee soon afterwards — on the twenty-eighth — made a report with an argumentative preamble, and offered a resolution for the admission of Missouri into the Union; which was referred to the Committee of the Whole.

The subject was first acted upon in the Senate. The Constitution of Missouri contained a clause which interdicted the migration of free negroes or mulattoes into that State, and which revived the objections to its admission. The Committee to whom the subject had been referred having reported a resolution for the admission of Missouri, Mr. Eaton proposed an amendment, “provided that nothing herein contained shall be so construed as to give the assent of Congress to any provision in the Constitution of Missouri, if any such there be, which contravenes that clause in the Constitution of the United States, which declares ‘that the citizens of each State shall be entitled to all the privileges and immunities of the several States.’”

On the suggestion of Mr. King, the consideration of this amendment was postponed till the next day. On the engrossment of the bill on that day, Mr. King opposed the amendment as of no effect, and not weakening the offensive provision.

Mr. Wilson, of New Jersey, offered a substitute, which proposed, instead of hypothetically refusing the assent of Congress to “any provision” in the Constitution of Missouri, merely to limit that hypothetical assent to the specific provision for excluding “free negroes and mulattoes.”

Only nine members voted in favor of the substitute. On Mr. Eaton’s amendment, there were twenty-one ayes,

and twenty-four noes. The members from the North and South voted indiscriminately on this question.

The next day the question occurring on the original resolution, Mr. Burrill, of Rhode Island, spoke against it; and the day after, Mr. Smith, of South Carolina, supported the resolution.

Mr. Tichenor, of Vermont, on the ninth of December, communicated a resolution of his State, insisting on the right of Congress to interdict the introduction or extension of slavery, condemning the Constitution of Missouri, and opposing her admission.

Mr. Holmes, of Maine, spoke in favor of the resolution; and Mr. Otis, of Massachusetts, against it. On further debate, Mr. Eaton's amendment, which had been rejected in Committee, prevailed in the House; and the resolution, thus amended, passed on the eleventh of December, by twenty-six votes to eighteen.<sup>1</sup>

But in the House of Representatives, the admission encountered a more serious opposition. The Committee of the Whole reported the resolution, without amendment, on the eighth of December. The next day, Mr. Nelson moved to recommit the resolution to the Committee of the Whole; which was rejected by ninety votes to seventy-three, some ten or more members from the slaveholding States voting with the majority.

On the eleventh of December, Mr. Baldwin moved to strike out the preamble, which assumed that the obnoxious clause in the Missouri Constitution should be left to the Judiciary.

But Mr. Hill had previously proposed an amendment, by which the assent to the admission of Missouri was qualified by an exception to the obnoxious clause of its Constitution; and he consented to withdraw it for the

<sup>1</sup> Annals of sixteenth Congress, page 116.

time, on the suggestion of Mr. Lowndes, who assented to Mr. Baldwin's amendment. The vote in its favor was eighty-seven votes to sixty-five.<sup>1</sup>

After some further debate by Messrs. Hemphill and Beecher against the resolution, and by Mr. M'Lane in its favor, it was rejected by ninety-three votes to seventy-nine.<sup>2</sup>

The next step taken on this interesting subject was a resolution submitted by Mr. Eustis, that Missouri be admitted, provided the obnoxious provision in her Constitution be expunged. This resolution, at first laid on the table, was afterwards, on the fifteenth of January, referred to the Committee of the Whole, as was also the resolution from the Senate.

There was then more than three weeks that nothing was done to bring the question of admission again before the House, yet the feelings of the majority were manifested on more than one occasion.

On the twelfth of January, on reading the Journal, in which mention was made of memorials "from the Senate and House of Representatives of Missouri," Mr. Cobb moved to amend the journal by adding the words, "the State of;" on which the House was equally divided, seventy-six votes to seventy-six,<sup>3</sup> and the Speaker voting in the negative, the amendment was rejected.

Mr. Parker then moved to insert "the Territory of," which was rejected by one hundred and fifty votes to four. The motion to reconsider, on Mr. Cobb's amendment, was rejected by seventy-seven votes to seventy-one.

Mr. Barbour moved to amend the Journal, by inserting after "the public lands," the words, "in the late Terri-

<sup>1</sup> Annals of sixteenth Congress, page 596.

<sup>2</sup> Ibid. page 670.

<sup>3</sup> Ibid. page 844.

tory of Missouri." Mr. Ross moved to strike out "late," which was rejected. Mr. Storrs then moved to strike out "Territory," and insert "United States," which was negatived. Mr. Barbour's amendment was then rejected by seventy-nine votes to sixty-one.<sup>1</sup>

On the thirteenth of January, Mr. Reid, of Georgia, offered three resolutions: "That it is the duty of the Speaker to examine and correct the journal: that the House possesses the right to decide upon the propriety of such correction: and that the erasures by the Speaker on the eleventh of January, are *alterations*, not corrections, as to a petition from the State of Missouri." On the question of consideration, there were ninety-six nays to forty-seven yeas.<sup>2</sup>

On the twenty-fourth of January, Mr. Eustis's resolution was rejected by one hundred and forty-six votes to six.

On the second of February, Mr. Smith, of Maryland, reported that the Committee of the Whole had had the Senate's resolution under consideration, and had instructed him to report it with an amendment, which was to be substituted for the amendment proposed by Mr. Eaton, a proviso, "that nothing in the Constitution of Missouri shall authorise the Legislature to pass any law denying to the citizens of each State the privileges of the citizens of the several States; and also, that no law shall be construed to deny to the citizens of each State any of the privileges of citizens of the several States;" which amendment was rejected by eighty-eight votes to seventy-nine,<sup>3</sup> eight Northern men voting with the majority.

Mr. Storrs then moved an amendment, "That Mis-

<sup>1</sup> Annals of sixteenth Congress, page 856.

<sup>2</sup> Ibid. page 944.

<sup>3</sup> Ibid. page 1025.

souri be admitted on the first day of the next Congress, provided that it be taken, as a fundamental condition, that no laws shall ever be enacted by the said State, which shall impair the rights secured by the Constitution of the United States to any persons who are now, or may hereafter be citizens of other States, or to prevent such persons from removing to said State; and provided, also, that the Legislature of Missouri shall, as a convention, declare their assent to the said condition before the next session of Congress."

Mr. Clay, who had taken his seat on the fifteenth of January, moved to strike out "the first day of the next session," which was carried.

Various amendments were then proposed by members on both sides, all of which were rejected. Then a division of Mr. Storrs's amendment was called for, from the commencement to "other States," and lost by ninety-two votes to seventy-five; on which Mr. Storrs withdrew the rest of his amendment.

On the second of February, Mr. Moore, of Pennsylvania, proposed an amendment, that the following shall be taken as fundamental conditions upon which Missouri is admitted, "that the fourth clause (respecting free negroes) shall be expunged, or so amended as not to be applicable to citizens in any State; and until so expunged, no law passed in conformity thereto shall be construed to extend to any citizen of *either* State in this Union;" which was negatived.

Mr. Clay then proposed that the resolution of Mr. Moore be referred to a select committee. It passed, and thirteen were appointed.<sup>1</sup> The committee had leave to sit during the session of the House. On the tenth, Mr.

<sup>1</sup> Annals of sixteenth Congress, page 1092.

Clay reported the resolution with an amendment and report, which were laid on the table.

Mr. Butler, of New Hampshire, offered a resolution, authorising the people of Missouri to form a new Constitution, or alter the one already formed, in such way as they might think proper, and submit it to Congress, for the purpose of being admitted on an equal footing with the original States.

The resolution reported on the twelfth by the select committee was referred to the Committee of the Whole, where, on the same day, the subject was discussed; and Mr. Smith, of North Carolina, reported that the Committee disagreed with the amendment reported by the select committee.

The question was then stated, "to concur with the Committee of the Whole in this disagreement," when Mr. Storrs moved that the report and amendment be indefinitely postponed. It was rejected by one hundred and thirty-seven votes to forty-two.

The amendment proposed by the select committee was to substitute for the proviso in the resolution of the Senate, "that Missouri be admitted into the Union upon the following fundamental condition, that the State shall never pass any law preventing any description of persons from coming to that State, who now are, or may hereafter become, citizens of any of the States; and provided, also, that the State, by its Legislature, shall, by a solemn act, declare its assent to the said condition, and transmit it to the President before the fourth Monday in November, when the President shall, by proclamation, announce the fact, by which the admission shall be complete; and provided, further, that nothing therein contained shall be construed to take from Missouri, when

admitted, any right or power now constitutionally possessed by any of the original States."

On the question of concurring with the Committee of the Whole (in rejecting the amendment of the select committee) it was rejected by eighty-six votes to eighty-three;<sup>1</sup> and thus the amendment reported by the select committee was agreed to—about seventeen members from the Northern States voting with the majority.

But on the question of engrossing the resolution, and reading it a third time, it was negatived by eighty-three votes to eighty<sup>2</sup>—three of the Northern members (Messrs. Brush of Ohio, Crafts and Rich of Vermont) having changed their votes, and three from the slaveholding States being out of the House. Thus the Senate's resolution was rejected.

The next day, Mr. Livermore moved to reconsider the vote of the preceding day, on the engrossing of the amendment of the select committee; and it was carried by one hundred and one votes to sixty-six,<sup>3</sup> thirty-one Northern members voting with the South.

On again putting the question of engrossment, it was negatived by eighty-eight votes to eighty-two<sup>4</sup>—the desire to settle so agitating a question at one time prevailing, and then the fear of their constituents, of being frightened at "doughfaces," or the taunts of their associates, bearing alternate sway with a few—fourteen Northern men having changed their votes, first voting against the rejection of the amendment, and immediately afterwards against its adoption.

Matters so continued until the twenty-second of February, when Mr. Clay, who was indefatigable in his patriotic purpose, proposed the appointment of a com-

<sup>1</sup> Annals of sixteenth Congress, page 1114.

<sup>2</sup> Ibid. page 1116.

<sup>3</sup> Ibid. page 1120.

<sup>4</sup> Ibid. page 1146.

mittee to act jointly with a committee of the Senate, to consider whether it be expedient to admit Missouri into the Union, and for the due execution of the laws of the United States; and if not, whether any other, or what, provision should be made.

Mr. Floyd moved to strike out the latter part of the resolution. It was negatived, and the resolution was adopted by one hundred and one votes to fifty-five<sup>1</sup>—about fourteen Southern men voting in the negative. The committee was to consist of twenty-three members, who were to be elected by ballot.

Mr. Randolph moved that one member from each State be appointed, which was negatived.

The next day, on the ballot, seventeen members had a majority, and were of course duly elected. They were Messrs. Clay, Cobb, Hill, Barbour, Storrs, Cooke, Rankin, Archer of Virginia, Brown, Eddy, Ford, Culbreth, Hackley, S. Moore, Stevens, Rogers, and Southard. Six others were ordered to be appointed by the Speaker. They were Messrs. Darlington, Pitkin, Sloan, Gross of New York, Livermore, and Baldwin. But Messrs. Livermore and Gross excusing themselves under a rule of the House, Messrs. Randolph of Virginia, and Smith of North Carolina, were appointed in their stead.

On the twenty-sixth of February, Mr. Clay, from the joint committee, reported a joint resolution:

That Missouri shall be admitted on the fundamental condition that the fourth clause (respecting free negroes) shall never be construed to authorise the passing of any law; and no law shall be passed by which any citizen of any of the States shall be excluded from the enjoyment of any of the privileges to which he is entitled by the Constitution: provided the Legislature, by a solemn

<sup>1</sup> Annals of sixteenth Congress, page 1219.

public act, shall declare its assent, and transmit it to the President, as in the amendment recommended by the select committee.

This resolution being read a first and second time, was then laid on the table. But the same day the subject was renewed; and Mr. Allen, of Mississippi, moved to substitute for citizens, "free negroes or mulattoes who are citizens." The previous question being adopted, by one hundred and nine votes to fifty-three, the amendment was cut off; and on the main question, there were eighty-six yeas to eighty-two nays;<sup>1</sup> and it was decided that the resolution be read a third time this day, when it passed by eighty-seven votes to eighty-one.<sup>2</sup> It was then carried by the Clerk to the Senate; and thus was terminated this vexed and threatening controversy. Seventeen of the Northern members voted with the South on the last two questions.

It was proposed, at this session, to fix the ratio of representation under the last census, before its returns were known; but the motion did not pass, partly because the present numbers of some States not being then known, their members could not foresee the result of the ratio decided on.

By way of giving relief to the former purchasers of public lands, further time was given them.

Endeavors were made at retrenchment, by reducing the army, and lessening the number and pay of the officers in the civil departments.

The votes given for the election of President and Vice-President were counted in the Senate on the fourteenth of February, 1821; and there appeared for James Monroe, as President, two hundred and thirty-one votes; for John Quincy Adams, one. For Vice-President, Daniel

<sup>1</sup> Annals of sixteenth Congress, page 1238.

<sup>2</sup> Ibid. page 1239.

D. Tompkins had two hundred and eighteen votes; Richard Stockton, of New Jersey, eight; Richard Rush, of Pennsylvania, one; Daniel Rodney, one; Robert Goodloe Harper, of Maryland, one; total, two hundred and thirty-two.

One of the consequences of the pecuniary difficulties of the country was a complaint that the salaries of public officers were too high, as also the pay of members of Congress; and hence there were several propositions in Congress to reduce the compensation to six dollars a day; but they were all rejected.

No attempt to act on the tariff bill was made at this session, there not being sufficient time for the discussion to which it certainly would have given rise.

A motion by Mr. Clay, to make an appropriation to a Minister from the United States to one of the new States of South America, prevailed by a considerable majority; thus indicating to the Executive the sentiment of the Legislature in favor of its independence, and their wishes for the recognition of those States.

There was also an attempt to assail the Academy at West Point, with a view to its discontinuance; but the scheme was repelled by a decisive majority.

A long memorial from the merchants of Philadelphia, against the proposed tariff, was presented—the interests of commerce and navigation then greatly preponderating over those of manufactures in that city, as well as in New York.

Mr. Anderson, who had offered a bribe to Mr. Williams, Chairman of the Committee on Claims, and had been taken into custody by Thomas Dunn, Sergeant-at-arms, had brought a suit against Dunn for false imprisonment; and on the question of the legality of such seizure for a contempt, the power of the House was sustained

by a decision of the Supreme Court, of which the Attorney-general and Walter Jones gave official notice to the Speaker.

A bill to establish a system of bankruptcy was introduced into the Senate, but was there rejected.

The treaty made with Spain for the cession of Florida, on the twenty-second of February, 1819, was at length ratified by Ferdinand, King of Spain.

According to that treaty, Spain cedes to the United States East and West Florida, and the islands thereto appertaining, and all vacant lands, public edifices, archives, and public documents relating to the property and sovereignty of the province.

Each party renounces all claims to indemnity or demands by individuals of either nation on the Government of the other. But the United States, exonerating Spain from all demands on account of their citizens, agree to make satisfaction for the said claims to the amount of five millions of dollars; to ascertain which, three Commissioners, citizens of the United States, shall be appointed by the President, to meet at the city of Washington. The Spanish Government to furnish all such documents and elucidations as may be in their possession.

In case of war of either nation with a third party, the flag of the neutral to cover property under it. Spanish vessels laden with articles of Spanish growth or manufacture, and coming directly from Spain or her colonies, shall be admitted for twelve years in the ports of Pensacola and St. Augustine without paying higher duties or tonnage than vessels of the United States: and thus the long-depending controversies with Spain were brought to a close.

All grants of land made before the twenty-fourth of

January, 1818, by his Catholic Majesty, or his lawful authorities in Florida, shall be confirmed to the persons in possession of the lands, to the same extent as if those lands had remained under the dominion of His Catholic Majesty; but the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty, in default of which the said grants shall be null and void. All grants since the twenty-fourth of January, 1818, when the first proposal of the cession was made, shall be void.

This clause has given rise to many important questions concerning large grants of land made by Spain, which have been litigated between the assignees of the grantees and the Government of the United States, some of which are still depending.

A law was passed at the present session for carrying the treaty into effect, and James G. Forbes was appointed by the President to receive possession of the new Territory.

This acquisition of territory was very gratifying to the public in general in the United States. In the hands of Spain, indeed, Florida presented nothing that seriously threatened the peace of the United States; but in the hands of a more powerful and ambitious nation, it might afford the means of serious annoyance.

Florida contains a population of about ten thousand, and an area of fifty-five thousand square miles. This would be rating the land at one-seventh of a cent per acre. The land is, in general, very poor, most of it being a sandy swamp, entirely unfit for cultivation, and yielding no valuable product except timber; of which,

however, it affords a large stock, among which is live-oak in abundance. It must be esteemed a very advantageous purchase; and the harbor of Pensacola alone, if we regard its future importance as a naval station, is alone worth the purchase-money. A small portion of the Territory is very fertile, and is capable of producing almost all tropical fruits and plants in perfection.

It was found necessary to authorise a loan of five millions of dollars, at this session.

The annual appropriation for the increase of the navy was reduced from one million of dollars to half a million a year.

There was a disposition manifested to make a new division of parties, on the ground of the public expenses, and to designate them as *radicals* and *prodigals*; but the more interesting question concerning the admission of Missouri at this session, and that of the tariff, subsequently superseded it. This diversity on the subject of public economy exhibited itself most plainly and earnestly in the debate on the reduction of the army, and on the subject of fortifications; one party wishing to appropriate four hundred thousand dollars, and the other only two hundred thousand; and as a majority of the Senate favored the larger sum, and a majority of the Representatives the smaller, the disagreement for a time endangered the passage of the appropriation bill.

Already a jealousy between Mr. Crawford and Mr. Calhoun, and their respective friends, had been manifested; and while the more strict economists favored Mr. Crawford, the more liberal men as to public expenditure sided with Mr. Calhoun.

A report on the plan of fortifying the United States was sent to the House of Representatives, by Mr. Calhoun, on the seventh of February, which was drawn up

by General Bernard, the head of the Engineer Department.

An elaborate report was prepared by Mr. Adams, Secretary of State, on weights and measures, in pursuance of a resolution of the Senate of the third of March, 1817.

In this report Mr. Adams recommends the following provisions :

First. To declare what are the weights and measures to which the laws of the United States refer.

Second. To procure positive standards of brass, and other metals, of the yard, bushel, wine and beer gallon, troy and avoirdupois weights, to be deposited in some public office at the seat of Government.

Third. To furnish the Executive authorities of every State and Territory with exact duplicates of such standards.

Fourth. To require, under penal sanctions, that such standards should be used by all the officers acting under the authority of the United States.

Fifth. To declare it penal to use, with intent to defraud, any other weights or measures than such as conform to the standard.

The consideration of this report was deferred to the next session.

On the fifteenth of May, Congress adjourned to the second Monday in November ; and thus ended Mr. Monroe's first term, in which his prudent and conciliatory course had, in the midst of much commercial embarrassment, and violent party contests, which were the more serious as the parties were separated by geographical lines, been steadily gaining in public favor, so as to lose but a single vote in his second election to the Presidency.

## CHAPTER XXII.

### MONROE'S ADMINISTRATION.

#### SECOND TERM.

1821—1823.

As the fourth of March fell on a Sunday, the President delivered his second inaugural address on the following day. It is, throughout, marked by his characteristic good sense, but greatly exceeding the length which usage, and perhaps strict propriety, prescribe for addresses of this character.

Adverting to the unanimity of the people in electing him, he becomingly remarks that, having no pretension to the high and commanding claims of his predecessors, whose names were so much more conspicuously identified with the Revolution, he considered himself rather as the instrument than the cause of the union which had prevailed in the late election.

He thinks that one who is first placed in the high trust occupied by him should declare the principles on which he means to conduct the Administration; and if elected for a second term, he may advantageously review the principal occurrences of his Administration.

A war with a powerful nation had just terminated before the last term commenced. It was then deemed prudent, after reducing the land force of the peace establishment, to fortify the exposed points of our coast, and to augment the naval force; and the money thus expended

has been shown to be a measure of real economy. These measures have been dictated by no feeling of hostility, but as the best means of preserving peace.

In noticing the pending contest between Spain and her American colonies, he remarks that we continued, as we had begun, to observe a strict neutrality between them, and that a commerce has been carried on by our citizens with both parties. He is in favor of maintaining the same neutrality. From the late change in the Government of Spain, it is likely that peace will be restored on the terms proposed by the colonies.

He adverts to the buccaneering system that then prevailed in the neighboring seas, to the great annoyance of American commerce; and to the necessity which it created to take possession of Amelia Island, and of other ports of Florida. Even those measures, though of great benefit, had not been sufficient to subdue this piratical spirit.

It is hoped that the ratification of the treaty with Spain has placed the two nations on a basis of permanent friendship. He expatiates on the advantages of the acquisition of Florida to the United States. He also mentions the recent convention with Great Britain. The negotiations with France, for the regulation of their mutual commerce, have been transferred to Washington, and are going on. Our other foreign relations are pacific.

The payment of sixty-seven millions of dollars of the public debt, since the late war, proves the extraordinary prosperity of the country.

Under the present depression of the prices of our staple products, the revenue has been greatly diminished; and Congress was now called upon to choose between the abandonment of the great measures of national defence, and a resort to loans, or new taxes. Of these

alternatives, loans were preferred. Should the deficiency continue, it may be expedient to resort to a system of internal duties and excises, instead of relying on the precarious resource of foreign commerce.

He commends the liberal course of the United States towards the Indian tribes, and he further suggests that their sovereignty over vast territories should terminate: that, in lieu of it, the right of soil should be secured to each individual, in competent portions, and some reasonable equivalent be granted them, to aid them in their progress, until they should be able to provide for themselves.

The prospect of war in Europe was now threatening. Though we are unconnected with these contests, it will be wise to be prepared for dangers of every kind, as the likeliest way of preventing them.

He then takes a very gratifying retrospect of the progress of the United States in the forty-four years since they declared themselves independent of Great Britain. In this time all their favorable anticipations have been realized; and he aims to point out the advantages enjoyed here over the republics of antiquity. In the early difficulties of tracing the line between the powers of the General and the State Governments, the only conflict has been one of arguments, and of a fair appeal to the good sense of the people. A perseverance in this course promises to perfect our system, and to procure for us the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. The Mississippi, the great outlet of Western commerce, has been opened to us; Louisiana and Florida have been ceded to us; new States have been added to the Union; and we now comprise within our limits the dimensions and faculties of a great Power, under a Government pos-

sessing all the energies of any Government ever known to the old world, with an utter incapacity to oppress the people.

One of the first acts of the President was the appointment, on the tenth of March, of General Jackson Governor of the newly-acquired territory of Florida, to exercise "all the powers and authorities hitherto exercised by the Governor and Captain-general and Intendant of Cuba, and by the Governors of East and West Florida:" and he having proceeded thither, possession was formally delivered to the United States on the eighteenth of July.

On the tenth day of August, the President, in conformity with the joint resolution for the admission of Missouri, issued his proclamation, which, after reciting the resolution, stated that the Legislature of Missouri declared its assent to the condition, "that the State should never pass any law by which the citizen of any State should be deprived of the privileges and immunities to which he was entitled under the Federal Constitution;" in consequence of which, he, in pursuance of the said joint resolution, announced the fact, and declared the admission of the State to be complete.<sup>1</sup>

While many of both parties were gratified at the settlement of a question which had been so warmly contested, and on which a geographical line divided the disputants, reflecting men saw that it afforded no permanent security against the revival of the dispute at some future period. It was, indeed, clear that Congress declared, by its act, that Missouri was competent to make a compact which was perpetually binding; that the moral obligation of complying with her voluntary engagement was superadded; that it might be enforced by the judicial authority, and, if necessary, by the whole power

<sup>1</sup> Annals of sixteenth Congress, page 1784.

of the Federal Government: yet, in spite of all these sanctions, there were not a few who conscientiously and deliberately believed that it was inconsistent with the fundamental principles of republican government for a State to make any law concerning its future polity which should be irrevocable; and consequently, as to this doctrine, the controversy was unsettled.

General Jackson, soon brought into collision with the late Spanish authorities in Florida, felt himself called upon to act with his characteristic decision.

It had been represented to him that there were a number of papers and documents in possession of the late officers of Spain, which related to disputed claims to lands and grants, and which being among the public archives of the colony, ought to have been surrendered to the United States under the treaty. They were in the possession of Sousa, who having received them from Colonel Calava, the Spanish Governor, had returned them to him, when they were formally demanded by Governor Jackson. After some evasive answers, Calava refused to deliver the papers, denying that they were public archives, and objected to appear before Governor Jackson, on the ground of privilege as a Commissioner of Spain. Force, however, being threatened, he did appear, and still refusing to deliver the papers, he was committed to prison for contempt; and the papers, of which an accurate list had been previously made out, were taken possession of by officers of the Government, when Calava was released.

He had, however, in the mean time, obtained a *habeas corpus* from Judge Fremontin, newly appointed; and the case appearing to General Jackson not a proper one for a *habeas corpus*, the Judge was summoned before the Governor: but the Judge failed to attend, on the plea of

indisposition; and after Calava's discharge, all further proceedings seem to have dropped, except the appeals which were severally made to the American public, through the newspapers, by Calava, Jackson, and Fremontin.

A similar difficulty as to papers claimed to be public archives, belonging to the United States, took place between the Spanish officer commanding in East Florida and Colonel Worthington, acting in behalf of the United States; but it did not proceed to the same extremities as at Pensacola.

These proceedings of General Jackson, as will be seen, did not altogether escape animadversion.

It was in the autumn of the present year that the fourth census was completed. It showed, like its predecessors, that this Confederate Republic continued to advance by gigantic and still increasing strides, in numbers, strength, and wealth.

The whole population was found to be 9,654,586, and the increase had been, in the last ten years, 33.35 per cent.

The increase of the whites was.....	34.03	per cent.
“ “ free colored .....	27.75	“
“ “ slaves .....	29.57	“
“ “ whole colored.....	29.33	“

The whole number of slaves was .....	1,543,688
“ free colored.....	238,197
“ whites.....	7,872,701

Total .....	9,654,586
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On the third of December, Congress assembled, and after several ballots for Speaker on that day, in which the contest was between Messrs. Taylor and Rodney, on the day following the choice fell on Philip P. Barbour, of Virginia.

On the same day, the President's annual message was received.

He adverts to the act of last session by which the law imposing higher duties on goods imported in foreign vessels, than when imported in domestic vessels, is repealed as respected the manufactures and productions of the country to which such vessel belongs, on the condition that such foreign nation adopted a similar course towards the United States. This was a fair and liberal course towards other nations, especially as our exports consist mainly of articles of the first necessity.

We had expected to share in the trade of the colonies of European Powers, as the advantage would be at least as beneficial to other nations as to the United States; but Great Britain not consenting to this reciprocal trade, as to her colonies, the United States have contravailed her restrictive regulations, and now all direct commerce between this country and her colonies has been suspended.

Some misunderstanding has arisen with France on the construction of the Louisiana treaty. According to her construction, she would be placed not merely on the footing of the most favored nation, but on one held by no other nation. France complains, also without cause, of the seizure of one of her ships for a breach of the revenue laws.

The principle of this reciprocal exemption from extra duties has been acceded to by the Netherlands, Prussia, Hamburg, Bremen, Lubec, Oldenburg, and partially by Norway.

The treaty with Spain has been partially carried into execution; but the Spanish authorities have not only failed to deliver the archives and documents relative to the sovereignty and property of the province, but have

defeated every effort since made to obtain them. This omission has given rise to several incidents of a painful nature, to be hereafter communicated.

In every particular, the law of the third of March last, for executing that treaty, has been carried into effect. A collision thereon arose between the Governor of Florida and the Judge of the Western District. There is good reason to believe that each one acted under a conviction of right.

The Board of Commissioners, for ascertaining the claims of our citizens against Spain, has been organized, and they have entered on their duties.

The Spanish colonies of South America continue to be successful; and it now appears impossible for Spain to reduce them by force.

A loan of five millions of dollars has been contracted. After deducting the portion of the public debt discharged, there has been an increase of it, during the year, of one million five hundred and thirty-eight thousand, two hundred and sixty-six dollars. The receipts into the treasury, from the first of January to the thirtieth of September, have been sixteen millions two hundred and ninety-one thousand dollars. It is estimated that the receipts of the fourth quarter will exceed the demands on the treasury. It is expected that the revenue will now continue steadily to increase, and under the most unfavorable circumstances it will exceed the payments authorised by law for the year 1825.

Under the protection given to manufactures, it is expected that we shall become a great manufacturing country, for which we are, in most respects, well fitted. If a part of the revenue should be thereby diminished, other parts will be augmented. He dwells on the advantages of this branch of industry.

The subject of fortifying the exposed points on the coast and frontier are again strongly recommended to the favor of Congress.

Progress has been made in constructing ships-of-war. The vessels authorised by the act of 1820 have all been completed. It has been found necessary to keep squadrons in the Mediterranean, in the Pacific, in the Mexican Gulf, and on the coast of Africa. In the Gulf, piracies were frequent, and required the immediate interposition of our cruisers. It is still necessary to continue our naval force there, as well as on the African coast. The slave-trade carried on under the flag of the United States may now be considered as entirely suppressed.

A few days after the President's message was received, Mr. Whitman offered a resolution, that the Secretary of State lay before the House such communications as he may have received relative to any misunderstanding between Andrew Jackson, Governor of the Floridas, and Elijus Fremontin, then Judge; and also relative to the delay or omission of the Spanish officers to surrender to the Commissioners of the United States any of the archives respecting the property and sovereignty of the Floridas; and also relative to the means adopted by those Commissioners to obtain possession of such archives: which resolution was subsequently modified so as to ask the desired information of the President.

Having been adopted at a subsequent day, the President, on the twenty-eighth of January, 1822, transmitted to the House the report of the Secretary of State, with all the documents relative to the disagreement, which were the objects of inquiry: all of which were again laid on the table. On motion of Mr. Tucker, of Virginia, the documents were ordered to be printed.

On the last of February, Mr. Whitman offered resolu-

tions, by which part of the documents transmitted by the President should be referred to the Committee on Foreign Relations, a part to the Judiciary Committee, and a part to the Committee on Military Affairs; all of which were, on motion of Mr. Wright, laid on the table.

A few days later, Mr. Archer offered four resolutions, the first of which censured the Executive for appointing General Jackson with larger powers than were authorised by the act of Congress: the second, that the power conferred on the Governor of the Floridas was unconstitutional: the third, condemned the arrest and imprisonment of Don Jose Callava as contravening the immunities attached to his character, and the usage of civilized nations: the fourth, condemned the proceedings against Judge Fremontin as unwarranted by law.

But on the question of consideration, it was decided in the negative—a majority of the House thus clearly showing that they did not disapprove of General Jackson's course, at least, that they were unwilling to subject it to investigation.

Again it was attempted to amend the Constitution of the United States, by adopting throughout all the States an uniform district system, both for members of the House of Representatives, and Electors of President and Vice-President—the Legislatures of the States to choose the two additional Electors to which the State was entitled.

The amendment was proposed by Mr. Whitman, and after having been referred to the Committee of the Whole, it was never finally acted on. The States have always manifested a jealousy against the exercise of this right by the General Government.

This being the time for a new apportionment of Representatives, under the fourth census, a bill for making

such apportionment had been referred to a committee of twenty-four, and their report having been referred to the Committee of the whole House, gave rise to much debate, both there and in the House. A variety of feelings and interests, both local and personal, were called into play on this topic of legislation. Thus, as the whole population had increased since the last census somewhat more than a third, and some of the States had increased much less than one-third, such States must necessarily lose a part of their members, unless the whole number of members of the House of Representatives was increased. The House then was brought to the alternative of making a large addition to the number of members, or of reducing the delegations of some of the States. All the members of such States were opposed to such reduction, as offensive to State pride, in affording evidence of their inferior advancement; and some of the members were no doubt influenced by the fear that, in this reduction of members, their own districts might be annihilated. Others, having no feelings on the subject, either as it concerned their State or themselves, were opposed to a numerous legislative body, as unfavorable to wise deliberation; and with some, the difference of expense between a large and small representation was deemed of importance, or, at any rate, as presenting an occasion to them of testifying their disposition to save the public money.

Some also, in fixing the numbers required to give a State a Representative, were led to prefer that number which would leave the smallest fraction to their State; so that, in this way, the contest for political power mingled in the question. When so many feelings and combinations exerted an influence on the question, it is not surprising that the controversy was both warm and ob-

stinate, and that it was found practically difficult to reconcile such a variety of jarring interests.

Thus, on the question<sup>1</sup> of adopting forty-two thousand as the requisite population for choosing a member, it was rejected by eighty-eight votes to eighty-three.

Subsequently,<sup>2</sup> the motion in favor of forty-five thousand, by Mr. Taylor, of New York, was rejected by one hundred and eighteen votes to sixty-one. On thirty-nine thousand, the vote was one hundred and twenty nays to fifty-six yeas. Mr. Randolph then moved thirty thousand, when the House adjourned.

The next day, this proposition was negatived; when Mr. Condit, of New Jersey, proposed thirty-seven thousand, which was also rejected. Mr. Campbell, of Ohio, proposed forty-one thousand, which was rejected by one hundred and twenty-six votes to forty-nine. Mr. Nelson, of Maryland, proposed thirty-five thousand, which was rejected. Mr. Farrelly, of Pennsylvania, proposed thirty-eight thousand, which was also negatived by one hundred and twenty-six votes to fifty.

On the first of February, there was a variety of motions to recommit the bill, with instructions, and proposed amendments to such instructions, when the proposition of Mr. Johnston, of Louisiana, of forty-one thousand five hundred, was negatived by one hundred and fourteen votes to sixty-four. The proposition, by Mr. Randolph, to strike out forty from the bill was negatived by one hundred and twelve votes to sixty-four.

On the second of February, the proposition by Mr. Edwards, of North Carolina, to recommit the bill, with instructions to insert forty-two thousand, was negatived by one hundred votes to seventy-six. Mr. Randolph then moved to insert thirty-eight thousand, which was nega-

<sup>1</sup> January 28th.

<sup>2</sup> January 30th.

tived by one hundred and eleven votes to sixty-three. Several other propositions were, in like manner, rejected, but without a count. Mr. Condit proposed that the apportionment should be so modified, as not to diminish the number of Representatives from any one State, which was rejected by a large majority; as were also several propositions of numbers varying from forty-two thousand to thirty-seven thousand five hundred. The motion simply to recommit the bill, was rejected by eighty-seven votes to eighty-five.

On the sixth of February, Mr. Tod, of Pennsylvania, moved to substitute fifty thousand; to which an amendment to insert forty-two thousand was proposed, which was rejected by one hundred and six votes to fifty-eight; when Mr. Tod modified his proposition, by substituting forty-four thousand, which, as well as forty-five thousand, were rejected. But the House still refused to recommit the bill, by ninety-nine votes to sixty-three.

The same course of proposing amendments, which were successively rejected, then took place; and on the question of the passage of the bill as reported, it was carried by one hundred votes to fifty-eight.

But this vexed question did not terminate here. The Senate sent back the bill with an amendment, that Alabama—where the returns were incomplete, from the death of the Marshal, should be entitled to three Representatives, if it should appear that her population entitled her to that number.

The Judiciary Committee, to whom the question was referred, opposed this amendment; but it finally prevailed by ninety-eight members to forty-seven; and thus the number of forty thousand was adopted.

It should be recollected that eleven of the States had no interest in this question, except what might casually

arise from the difference of fractions over their regular quotas, in a larger or smaller number, as their increase had exceeded the increase of the total population. These were all the Western States, and New York. All the others, by way of preventing a diminution of their members in the House, would be inclined to vote against any increase in the requisite number of people beyond their own increase. By this new apportionment, Virginia, Connecticut, Vermont, and Delaware lost a member; and the whole number of members was increased from one hundred and eighty-three members to two hundred and thirteen.

Let us now pause to attend to the state of political parties in the nation.

For some time past there had been a cessation of party spirit, such as had not existed since the adoption of the Federal Constitution. The Federalists finding themselves every where in the minority, except in one or two of the New England States, had ceased their systematic opposition to the measures of the Government; and, knowing their relative weakness, appeared to wish to be forgotten as an organized party. Even in New England, the party was identified with the Hartford Convention, and partook of the general odium which attended that body. It had also seemed to be Mr. Monroe's policy to encourage this political calm, and he avoided every opportunity of reviving or cherishing party feelings.

But the time now approached, when men would naturally cast their eyes about for the purpose of selecting a candidate for the Presidency, and in no long time there appeared before the public several individuals who were likely to receive popular support for that office; and thus new parties were gradually formed, who did not differ professedly on the principles of Government, but only on

their personal predilections for the individual whom they should select for the office of Chief Magistrate.

The most conspicuous individuals thus looked to were the following :

De Witt Clinton, of New York. He had opposed Mr. Monroe. He ranked high in his own State for his public services, and his talents; and it was thought that New York, the most populous State in the Union, had high claims to give a President to the country. But inasmuch as he had shown himself, lately, to be unfriendly to the Administration, whose supporters were a majority in the Legislature, and in the State at large, he seemed to have no probable chance of success.

Mr. Adams, Secretary of State, had a strong support. His talents were undisputed. He had a long course of experience as a statesman and diplomatist; and his abandonment of the Federalists, when he thought them disposed to sacrifice the interests of the country at the shrine of party, was considered to give him strong claims on the Republicans. The natives of New England, diffused over the whole United States, were disposed to press his claims, from a feeling of local pride, which is, at least, as strong there as in any section of the Union. He, however, did not possess those personal qualities which are fitted to win popular favor. He was cold, reserved, formal, and rather ungainly in his manner and address.

Mr. Clay was also regarded as a prominent candidate. He was distinguished for those personal qualities which Mr. Adams wanted. Open, free, of easy access, frank, and good-humored, he was especially a favorite with the members of the House of Representatives, whose occasional disorder and waywardness he had, in the character of Speaker, effectually controlled. The Western States

began to think that they had a right to give a President to the Union, and if so, who was better entitled to it by his services, who could better fill it by his statesman-like knowledge, his powers of pleasing, and his talent at obtaining an ascendancy over men? He had vindicated the honor of the nation in urging the declaration of war, and he was supposed to have contributed at least as much as any one of his able colleagues in overcoming the difficulties which had at first presented themselves to a pacification. . He, of course, had enemies as well as friends; and as he was known to indulge in social amusements, occasionally playing cards, these were urged as strong objections to him.

As he had not the advantages of a collegiate or even a liberal education, while a few regarded him as, on this account, disqualified for such grave and diversified duties, with the mass of the nation, this circumstance enhanced his merit; and it was thought to reflect honor on the character of the Government, that a citizen, without the advantages of fortune, high connections, or even of a thorough education, should be able, by the force of his own genius and merits, to elevate himself to the highest honors of his country. He, more than any other competitor, had, on this account, the sympathy of the mass of the American people; and his late services in adjusting the Missouri question were thought to give him a strong additional claim on the public gratitude.

Mr. Crawford, Secretary of the Treasury, had also powerful friends. The speech he made in the Senate in opposition to Mr. Giles, and in favor of establishing a bank, had strongly recommended him to the moneyed and mercantile class, and to those who still retained their Federal attachments, who were more numerous than appearances indicated, and whose influence was yet

greater than their numbers. He left Virginia, his native State, to try his fortunes in Georgia, where he soon distinguished himself at the bar and in politics, and finally became the head of the Republican party, which, after a violent struggle, obtained the ascendancy over the Federalists; and the parties were there distinguished as the Crawford and the Clarke parties, from the names of their respective leaders.

During this contest, it was his misfortune to kill a political adversary in a duel; and although this did him no injury with the multitude, it formed a serious objection with religious people, who thought that no man should be elevated to be the head of the nation, whose hands were stained with blood—shed, too, in a way forbidden by the laws of the land, as well as by religion and morality. His pretensions were, moreover, especially opposed by John C. Calhoun, because they clashed with his own.

Mr. Calhoun was the youngest of those who were named as candidates, and at first he hardly seemed to think that the time had yet come for him to aspire to that honor. But he had become an especial favorite with the army and navy, by his vigor, decision, and liberality, as well as his patriotic course in co-operating with Mr. Clay to vindicate the wrongs of his country by war; and though he was at first understood to be the supporter of Mr. Adams for the Presidency, events turned up that induced him to assert his own pretensions. The Pennsylvania delegation, regarding Mr. Calhoun with peculiar favor, because they believed him to have been born in Pennsylvania, whence his parents, who were originally Irish, had migrated, had a meeting or consultation as to the next Presidency, and a majority of them nominated him. The nomination was cordially received by his

numerous friends about Washington; and he thought the support of the large State of Pennsylvania seemed to justify him in taking a chance in so splendid a lottery—to which it is said, he had never ceased to look since he was at Yale College, where one of the Professors, seeing the force of his mind, and the ardor of his ambition, predicted that he was one day likely to reach the highest honors of his country. After this change, he now regarded Mr. Adams as a rival instead of a favorite; and his sanguine temper was, for a while, buoyant with the hopes of success. It was, however, a short-lived dream, from which he was destined to be soon awakened.

But let us first advert to a rival in his own State. This was William Lowndes, about the same age with himself, and one of whom the lowlanders of South Carolina were as proud as the back country of that State was of Mr. Calhoun. His mind had received the highest cultivation: he possessed an easy fortune, and being under no necessity of following a profession, he had been one of the very small class in the United States who had been bred a statesman. On history, diplomacy, political economy, and finance, he was particularly well informed, so as to be the most accomplished statesman of his country; and he had, withal, manners so bland and courteous, a temper so mild, and a disposition so benevolent, as to command universal esteem, and almost universal regard.

Both these men were looked to, by their countrymen, as fit successors to Mr. Monroe; and accordingly, in a caucus of the South Carolina Legislature, they were both proposed by their respective supporters, when it appeared that Mr. Lowndes had a majority of one vote. In receiving official information of the result, he gave that memorable answer which has been so frequently since adopted by others in similar situations, "That the office

of President of the United States was an honor neither to be solicited nor declined." He was extremely tall and thin, had a delicate constitution, and weak lungs, which proving diseased, he was induced to make a sea voyage soon afterwards, and died abroad.

But while death thus relieved Mr. Calhoun of one competitor, another yet more formidable was soon to appear from an unexpected quarter, whose popularity was found to exceed that of any other rival. This was General Jackson, the beginning and progress of whose pretensions will be more particularly noticed hereafter. In the mean time, the rivalry of the other candidates began to manifest itself in all public proceedings. It was found to interrupt the harmony of the Cabinet, in some degree to embarrass the movements of the Administration, and even to modify some acts of legislation. It soon appeared that, of the three candidates who were members of the Cabinet, Mr. Crawford was least in favor with Mr. Monroe; and whose confidence no one member seemed to possess so entirely as Mr. Calhoun. Of the members of Congress, there was a decided majority in favor of either Mr. Crawford or Mr. Clay; and Mr. Adams had, perhaps, the fewest supporters in that body.

A bankrupt law was again proposed, and warmly supported; but it being generally opposed by the Southern and Western members, it again failed. There was an indisposition to extend to the mercantile class a privilege which the other classes could not share; and the spirit of adventure which such a law was calculated to cherish, was thought to need repression rather than encouragement. It was very fully and earnestly discussed, and was rejected by a vote of ninety-nine to seventy-two.

Mr. Colden, of New York, offered a resolution, that

the committee to which was referred the memorial of the Bank of the United States, inquire and report whether the bank is not in the habit of taking more than six per cent. for its loans.<sup>1</sup>

It appeared, from Mr. Colden's remarks, that he referred to the practice of the bank in taking interest on sixty days, as if it was one-sixth of a year; and on sixty-three days, as if it were sixty-four; which difference, he said, unimportant as it at first seemed, would, in seventy years, be equal to the capital of the bank.

Mr. Little opposed the resolution. If the mover had documents to establish the facts which he stated, it would be proper to move a *quo warranto*. Without these, he, for one, would be unwilling to go as an inquisitor to Philadelphia.

Mr. Smith, of Maryland, had no objection to the inquiry. As to the branches of the bank, he believed they had observed the rules uniformly adopted by the banks throughout the country.

Mr. Tucker, of Virginia, remarked that, however proper the resolution might be, if its object was to settle an inchoate practice, yet as the usage of the banks had been sanctioned by common consent, he would not now disturb it, and excite the alarm of all the banks and their stockholders. He said that, besides the modes mentioned by the gentleman from New York, the banks, by turning over their money five or six times in the year, received compound interest, which was a legitimate gain; and received the interest in advance on their discounts: that their other extra profits might be ranked among the common errors which usage legalizes, or that find immunity in their insignificance: that these petty gains, in the aggregate, were of some value to the bank, but unim-

<sup>1</sup> V. Niles's Register, for 1821, page 285.

portant to the borrowers individually, and did not merit the interposition of Congress.

Mr. Randolph felt under an obligation to the gentleman from New York, for bringing this subject to the consideration of Congress. He did not think the inquiry would produce the effects anticipated. Congress had nothing to do with the State banks, but this institution was within its special cognizance. The difference gained by the exaction was regarded as a trifle: it may be a trifle, he added (to the great amusement of the House), "in the exchequer of the gentleman over the way; but to the people of the United States it was no small amount" — equal, in seventy years, to the whole capital of this body without a soul. He hoped that, in a land governed by laws, the doctrine was not to prevail, that the generality of an offence was to insure its impunity. He spoke of a previous exemption in favor of the bank as "shameful," and hoped that this Congress would not manifest a similar subserviency.

The resolution was then adopted; and in the latter part of the session, Mr. Sergeant, in behalf of the committee, made a report<sup>1</sup> on the subject, which, admitting the facts stated by Mr. Colden, justified the bank in its course, as in conformity with the usage of banks. The report was laid on the table.<sup>2</sup>

A bill for the protection of manufactures, by laying additional duties on imports, was offered by the Committee on Ways and Means.

A resolution having been offered, on the thirtieth of

<sup>1</sup> Niles's Register, for 1822, page 43.

<sup>2</sup> As the report was never acted on, we may infer that the question of usury by the bank was one of those disputes *de lana caprina* from which even legislative bodies are not exempt, and to which, indeed, they are sometimes peculiarly liable.

January, 1822, by Mr. Trimble, of Kentucky, to request the President to recognise the independence of the Republic of Colombia, and to have an interchange of Ministers, and also to acknowledge such other of the Spanish American provinces as have established their independence, the same was laid on the table.

But the President finding, from the vote of the Representatives at the last session, and the evidence since afforded of the manifest tendency of public sentiment, prudently changed its course; and on the eighth of March, sent a message to the House, in which, after adverting to the strict neutrality of the United States, between Spain and her American provinces, he says it was now clear that, from the success of the latter, all chance of subduing them must be hopeless; and that, therefore, the United States could no longer resist their claim to a recognition by other Powers. He professed friendly sentiments towards Spain, and said that an assurance of those sentiments would be given to her which ought to prove satisfactory.

This message having been referred to the Committee on Foreign Relations, on the ninth of March that Committee made a report on the condition of the late provinces of Spain in South America, by which it appears that Buenos Ayres, Venezuela, New Grenada, Colombia, Chili, and lately Peru, may be regarded as independent States. In Mexico, too, independence has been established. The Committee then inquire into the right and the policy of the United States to recognise this independence. Of the right to treat with those who are in the actual exercise of the powers of sovereignty of a country, there can be no question; and having the right to make this recognition, they think that other Powers cannot, and will not, complain of its exercise, but they expect that the exam-

ple of this country will be generally followed; nay, that Spain herself will be satisfied of the propriety of our conduct, and that she has, by her recent course, shown that she has abandoned all purpose of regaining her dominion over them. They conclude with manifesting their approbation of the opinions expressed by the President on this subject, and by proposing an appropriation of one hundred thousand dollars, to enable him to give due effect to the recognition. It had but one dissentient.

But the acquiescence of Spain did not take place. On the twenty-sixth of April, the President, in compliance with the resolution of the Senate of the day before, transmitted the correspondence between the Spanish Minister, Don Joaquin de Anduaga, and the Secretary of State, in which the Minister expresses his surprise at the President's proposal to recognise the revolted colonies of Spain, which he regards as a most unwarranted return for the uniform conduct of Spain towards the United States. He denies, moreover, the condition of those provinces to be such as the President has supposed. He then solemnly protests against the recognition; and he hopes that the President will suspend the measure he has proposed to Congress.

Mr. Adams, disclaiming any unfriendly feelings on the part of the United States towards Spain, replies that the question of the independence of a nation involves two others — one of *right*, and the other of *fact*. He says the civil war between Spain and her colonies has, in substance, ceased to exist. Treaties have been made by Spanish Commanders with the Republic of Colombia, with Mexico, and with Peru. Under these circumstances, this government not only felt itself justified, but even bound to make the recognition, without, however, in any manner impairing the rights of Spain; and the time is

at hand when all the Governments of Europe friendly to Spain, and even Spain herself, will concur in the acknowledgment.

On the twelfth of February, 1822; the Spanish Cortes made a conditional recognition of the independence of the American provinces, reserving the rights and property of Spaniards.

Both Russia and Great Britain now put forth claims to parts of the north-west coast of this continent, which conflicted with the interests and supposed rights of the United States. Mr. Poletica, the Russian Minister, on the eleventh of February, sent to Mr. Adams the copy of a Russian edict relative to foreign commerce in the waters bordering the establishments of the Russian American company on the north-west coast.

Mr. Adams replied that the President sees, with surprise, the assertion of a territorial claim by Russia, extending to the fifty-first degree of north latitude on this continent, and an interdiction of all vessels, except Russian, within one hundred miles of the shores of that country thus claimed. It was expected that, before any act by Russia undertaking to define the boundary, the same would have been settled by treaty; and that the attempt to exclude American vessels from the shores, beyond the ordinary distance, has excited still greater surprise. He inquires if Mr. Poletica is authorised to give explanation.

Mr. Poletica states the grounds of the Russian claim to latitude fifty-one degrees, from Behring's Strait. He urges that the Russians first explored that coast, beginning in 1728: that Cook found their establishments at Oumalaska, in 1778. Vancouver, Portlock, and La Peyrouse, all attest the Russian establishments.

He says that when Spain made a cession of all her

rights on the north-west coast, Russia acquired all that Spain possessed north of forty-two degrees; but nothing is said of the northern limit. He says that Spain had never pretended to any right in conflict with the claims of Russia; and that fifty-one degrees is a mean point between the Russian establishments under the fifty-first degree and the American colony at the mouth of the Columbia, in latitude forty-six. He therefore maintains that, in these claims of the Russian company, the rights of no nation have been infringed.

He then assigns the reason for extending the prohibition to one hundred miles from the coast. It is intended to operate against the illicit trade of foreign adventurers, of which Russia had long ago complained in vain. He says that, as Russia owns the opposite coast, she might assert the privilege that is attached to closed seas (*mare-clausum*), and interdict the trade altogether; but she preferred a more liberal course.

Mr. Adams remarks, in his answer, that Archangel, the most southerly settlement of the Russians, is not on the coast, but on a small island in latitude fifty-seven degrees. But it also appears, from Mr. Poletica's own statement, that in 1799 the limits prescribed by the Emperor Paul to the Russian American company were fixed at the fifty-fifth degree of latitude; and that, in assuming the latitude of fifty-one degrees, a new pretension is asserted, to which no settlement since 1799 has given a sanction. In opposition to the Russian claim, he says that vessels of the United States have freely navigated those seas ever since they were an independent nation.

As to the supposed right of a close sea, he remarks that in latitude fifty-one, the distance from shore to shore is not less than four thousand miles.

He says the United States cannot accede to the jus-

tice of the prohibition. They insist on their right to carry on commerce of every kind, even in munitions of war, in those seas. Friendly dispositions are professed on both sides.

In Mr. Poletica's concluding letter, he reiterates the claims which he had first asserted, and which he deems not to be affected by the circumstances relied on by Mr. Adams; and he suggests that the American traders, in attempting to continue the trade now prohibited, may meet with difficulties for which they can blame only their own imprudence. He is satisfied that the Emperor will receive any explanations made by the American Government with the most friendly and conciliatory disposition.

The Secretary of State further stated, in answer to the inquiry made by the House of Representatives, that last year, when it was proposed to occupy the Columbia River, the British Minister had suggested that Great Britain had claims on the north-west coast of America, with which, he conceived, such occupation by the United States would conflict. But the Secretary of State declined answering those inquiries, or entering into the discussion of those claims, except in writing.

The power of making roads and canals had always been denied by those who were disposed to restrict the powers of Congress, and to enlarge those of the States; and as the Cumberland road required appropriations, from time to time, for its extension or repairs, the question of constitutionality was, on these occasions, always renewed, and was always warmly contested.

An appropriation being asked this year, for the purpose of repairing this road, it was, as usual, opposed by the advocates of the rights of the States; but they were outvoted, and the required sum was granted by eighty-three votes to seventy-one. But the bill was returned to

the House by the President, who refused it his sanction for the reasons which he gave at length.

He said that the power to establish turnpikes (as the bill proposed), and to enforce the payment of the tolls by penalties, implied a power to take the land from the proprietor — in a word, a complete right of sovereignty and jurisdiction. He thought that Congress did not possess this power, and that the States, individually, could not grant it; for though they may assent to the *appropriation of money*, within their limits, for such purposes, they can grant no power of jurisdiction or sovereignty.

This power has always been claimed as incidental to some other power specifically granted. He examines those from which it has been derived in detail, and argues that it can be fairly deduced from no one of these.

On the reconsideration of the bill with the President's objections, the vote in favor of it was sixty-eight, and against it, seventy-two.

As he had announced to the House, when he sent in his objections to the bill, he presented his views on the subject of the constitutional powers of Congress more at length in a subsequent message, on the evening of the same day; but they are not noticed in the Journal, though they were published by the periodical press.<sup>1</sup> The paper is a very long one, and was prepared with great care and labor.

A singular controversy now took place between two of the Commissioners of the United States at Ghent — Jonathan Russell and John Quincy Adams, both of Massachusetts. It appeared that Mr. Russell, in a letter from Ghent to the Secretary of State, represented himself as differing from his colleagues on the subject of granting

<sup>1</sup> They may be seen in Niles's Register, for 1822, page 362.

the navigation of the Mississippi to Great Britain; and he sent a duplicate of this letter, both of which were received, but which were essentially different: and by one of them it appeared that the point in which he said he differed from his colleagues, was precisely that in which it appeared by the other that he agreed with them; which discrepancies, used for sinister purposes, Mr. Adams triumphantly exposed, and thus obtained no small share of credit with the public, for the cleverness exhibited in exposing a disingenuous adversary, and because he was near being the victim of calumny.

This singular affair came to light in this way. The papers respecting the negotiation of Ghent having been called for, a letter known to have been written by Mr. Russell was not among them. The supposed object of this call was, that it would implicate Mr. Adams. On being published, however, it was found that the papers were signed by all the Commissioners; and on the nineteenth of April, a special call was made for a letter from Mr. Russell, which was not found in the State Department, on which he undertook to furnish a copy himself. Mr. Adams finding himself assailed in this letter, made diligent search for the original; and it not being found, its disappearance, taken in connection with its contents as published, excited suspicion against him. But, on inquiry, it was found among Mr. Monroe's private papers, it having been marked "private." Mr. Adams then ascertained that the professed "duplicate" materially differed from the original, and that, in several particulars, they were directly contradictory.

As the measures of Congress naturally reflect the public sentiment and popular feelings of the day, much of the business of this session had its origin in the late

inadequacy of the revenue, and in the pecuniary embarrassments of the country.

Mr. Hardin, from the select committee appointed to inquire whether any part of the public expenditure could be retrenched, made a copious report on the subject, which concluded with four resolutions, of which the first declared that loans for the support of government, in time of peace, were unwise and inexpedient: the second urges that efficient measures should be taken for the redemption of the public debt: the third enjoins on the Government to dispense with useless expenditure, and to reduce the pay and salaries of public officers to their former rates: the fourth requires the tariff to receive a new modification, with a view to revenue.

The same committee, at a subsequent day, reported a bill for the reduction of the pay of public officers generally, and of members of Congress; but it never reached the third reading.

The report<sup>1</sup> of a select committee against the Military Academy at West Point seems at first referrible to the same spirit of economy, as the committee lay great stress on the money expended for each cadet there educated. But the chief purpose of the committee was to correct what they properly regard as a great perversion of this institution from its original purpose, which was to give to the army well-instructed officers. They say that but one cadet out of nine there educated had entered the army, for which abuse they suggest a remedy.

A few weeks after this report, the Secretary of War, in obedience to a requisition of the House, sent a report<sup>2</sup> from the Chief Engineer, who was Inspector of the Academy, which gives the history and present condition of the institution. According to this report, the number

<sup>1</sup> Niles's Register, for 1821, page 40.

<sup>2</sup> Ibid. page 232.

of cadets who remained in the service of the United States five years, was two hundred and sixty-five; and the number who have left the Academy without commissions is two hundred and eighty-two.

Besides the public acts which have been mentioned, Congress passed one at this session to authorise the conversion of those portions of the public debt which bore seven or six per cent. interest into five per cent. stock: also an act abolishing the United States' trading establishments with the Indians, which had been found liable to great abuses, that could not always be prevented, or even detected. Individuals were allowed to trade with them, by special license from the President. Also, an act for the reduction of the peace establishment.

Various amendments to the Constitution of the United States were proposed at this session, the movers being not at all discouraged by the difficulty which had been hitherto experienced in obtaining even the preliminary support of Congress, to say nothing of the yet greater difficulty of obtaining the ratification of three-fourths of the States.

An amendment<sup>1</sup> was proposed by Mr. Whitman, of Maine, for laying off every State into as many districts—equal in population, and contiguous in territory—as it is entitled to members of Congress, of whom each district shall choose one: that the same districts shall choose the Presidential Electors, the two additional Electors to which the State is entitled to be chosen by its Legislature.

Another amendment,<sup>2</sup> by Mr. Woodson, of Kentucky, proposed that, after the year 1826, no one should be eligible as President who had held any office of honor, power, or trust, under the Federal Government, within

<sup>1</sup> Journal of House of Representatives, page 59.    <sup>2</sup> Ibid. page 136.

four years next preceding his election, nor until he has attained the age of forty-five.

Another,<sup>1</sup> by Mr. Walworth, of New York, proposed that, until Congress passed an uniform bankrupt law, any of the States might enact bankrupt or insolvent laws.

Another,<sup>2</sup> by Mr. Montgomery, of New York, proposed that the United States be divided into four "Presidential sections," then designated by States; each of which sections was to furnish, in rotation, a President every four years, with provisions for accessions of new States, and for future gross inequality in the "sections."

Another,<sup>3</sup> by Mr. Blair, of South Carolina, proposed that the compensation to members of Congress should not be increased or diminished during the period for which they were elected; and that no member of either House, within the last two years preceding the election of a President, should be eligible to any office of honor, profit, or trust.

Another,<sup>4</sup> by Mr. Fuller, of Massachusetts, proposed that the compensation of the President, Vice-President, and members of both Houses of Congress, be fixed at the first session of every Congress, after the apportionment under a new census; which compensation should not be altered for ten years, nor till after the term has expired for which the office-holder was elected.

All of which proposed amendments were laid on the table, and a part of them referred to the Committee of the Whole, but no one of them was finally adopted.

Several of them were, doubtless, dictated by the influence which the approaching Presidential election obviously exerted on the members of both Houses.

<sup>1</sup> Journal of House of Representatives, page 340.    <sup>2</sup> Ibid. page 502.

<sup>3</sup> Ibid. page 519.

<sup>4</sup> Ibid. page 533.

In this session a close observer might see that many of the measures of Congress, and much of the argument used in debate, were influenced less by the ostensible motives than by the wishes of the members concerning the successor to Mr. Monroe.

The friends of Mr. Crawford, and opponents of Mr. Calhoun, with these feelings, opposed the appropriations for the War Department, especially for fortifications, and for Indian affairs, which appertain to that Department. They thus sought to obtain credit with the nation for economy, then greatly needed with a diminished and insufficient revenue, and to bring on their opponents the odium of a systematic extravagance, for the purpose of increasing Mr. Calhoun's patronage and popularity with the army.

Mr. Crawford, again, was charged with so administering the finances of the nation, as to purchase popularity to himself at the expense of the public treasury, particularly in employing members of Congress to inspect the land offices, and in favors shown to some of the Western banks which had been depositories of the public money on conditions which they had not fulfilled.

Two resolutions offered by Mr. Cook, of Illinois, brought these subjects directly to the notice of the House.

The first, offered early in January, called upon the Secretary of the Treasury to report the manner in which the land offices had been examined before and since the first day of January, 1818, with minute inquiries as to those examinations, and the compensations received for them.

This inquiry seemed to have reference to the employment of Jessé B. Thomas, one of the Senators of Illinois. The subject had been referred to a select committee,

who, through Mr. M'Lane, their Chairman, made a report<sup>1</sup> on the charge, in which they entirely justify Mr. Crawford on the ground of several precedents; and they ask to be discharged from the further consideration of the subject: on which Mr. Cook, who differed from the majority, offered a resolution, that the employment of members of Congress by the Executive officers, for which they receive compensation, is inconsistent with the independence of Congress, and in derogation of the rights of the people. This resolution was laid on the table, as was also a resolution offered by Mr. Mitchell, of South Carolina, of a similar character with Mr. Cook's; and there was no subsequent action on either.

The second resolution offered by Mr. Cook called upon the Secretary of the Treasury to state in what banks he had deposited moneys received for the public lands; the contracts made with those banks; if they have failed to comply with them; their correspondence with them; their condition; and if uncurrent money has been received by them. The resolution was agreed to by the House, and the Secretary addressed a letter to the House, in which he answered the inquiries made in the resolution, admitting and explaining the receipt of bank money which he believed to be good at the time, but which had since proved unavailable. This letter was also laid on the table.

From the same apparent motives of petty electioneering, Mr. Adams incurred the charge, in some of the public prints, of being a great stickler for etiquette, and of claiming for himself a right to receive the first visit from all members of Congress, of both Houses. Being thus induced to vindicate himself in a newspaper, he disclaimed all right to a first visit, as imputed to him;

<sup>1</sup> Niles's Register, for April, 1822, page 102.

but at the same time denied the like right to them; and advertg to the usages in this matter, said that he had ever conformed to them, both when a Senator, and since he had been Secretary of State. Though he made a satisfactory vindication of his course, he did not escape the censure of having, by a grave public discussion of so insignificant a subject, given to it an importance that did not properly belong to it.

Probably a resolution offered by Mr. Cocke, of Tennessee, that the Secretary of State furnish a report of the moneys paid on every account to our Ministers abroad since 1800, was of the same character. As the information here called for was likely, in the present zeal for economy, to do some injury to Mr. Adams, since the compensation he had received exceeded that of any other American Minister, it was supposed to have been so intended.

The death of Mr. Pinkney,<sup>1</sup> in February, called forth warm eulogies in both Houses. He was unhesitatingly placed at the head of the legal profession in the United States.

A collision, under unwonted circumstances, between the President and the House of Representatives, occurred at this session.

At the preceding session, the House had objected to an appropriation for fortifying Dauphin Island, at the entrance of Mobile Bay, as the War Department had recommended; and the Military Committee, at the present session, having made the same objection, and given its reasons, the President, on the twenty-sixth of March, sent a message to both Houses, in which he examined the question at great length, and earnestly urged the

<sup>1</sup> His death was caused by the labor of preparation, when in a fever, for an important case in the Supreme Court from Connecticut.

portance of the proposed fortification. This message having been referred to the Military Committee, they reply to the views of the President, and, adhering to their first opinion, advise against the appropriation, in which they were sustained by the House.

The subject of fortifications, it should be remarked, formed a prominent topic of controversy between the respective friends of Mr. Calhoun and Mr. Crawford, both at this and the preceding session.

Mr. Lowndes, as Chairman of a select committee, made a report on that which the Secretary of State had made at the preceding session, on weights and measures. The committee say that the subject had been so fully and ably treated by Mr. Adams, that they should do little more than offer two joint resolutions—one requesting the President to have platina standards of length and weight correspondent to the English measures, and measures of capacity also corresponding to those of England, of such material as he should prefer: the other requests the President to distribute among the States models of measures of length, capacity, and weight.

When it is recollected that, at the present day, all civilized nations tend to form one great commonwealth for the exchange of commodities, and that this tendency is continually increasing by the locomotive facilities afforded by steam, it is greatly to be regretted that these beneficent operations of commerce should not be aided by uniform measures of length, capacity, weight, and monetary value. There is, however, but too much reason to apprehend that the difficulty of obtaining the concurrence of different nations in the adoption of the same standards, the force of habit with the mass of mankind, and the vast amount of present inconvenience which must be endured for the sake of the future benefit,

will, together, form insuperable objections to the desired reform.

On the eighth of May, Congress adjourned to the first Monday of December.

A commercial convention was entered into with France in June, 1822. It was negotiated at Washington, between Mr. Adams and Mr. De Neuville, the French Minister.

The additional duties paid in one nation on articles imported in the vessels of the other, shall not exceed twenty francs, or three dollars and seventy-five cents, per ton. No additional duties shall be levied when imported for re-exportation. There is also a limit set to the port-charges per ton. Sailors who have deserted from the vessels of either nation may be arrested by the Consuls of such nation. The convention to continue for two years.

The American and British Commissioners, under an article of the treaty of Ghent, ran the northern boundary line between the territories of the two countries—beginning at a stone monument erected by Andrew Elliott, in 1817, on the south bank of the River Iroquois, or Cataraqui, now the St. Lawrence, in the forty-fifth parallel of north latitude; thence to the river, and up the middle of it, through the middle of Lake Ontario; thence through the communication between Lakes Ontario and Erie; thence through the middle of Lake Erie to Lake Huron; thence through the middle of Lake Huron to Lake Superior; and to decide to which of the two parties the several islands lying in the said waters belong: all which was done by a reference to maps. The line from Lake Superior to the Pacific was thus left unsettled.

The retaliatory course pursued by the United States

as to the West India trade, was found to be so inconvenient to the British Islands, and they complained so loudly, particularly Jamaica, of the increased cost of such articles as they were obliged to obtain from the United States, by reason of their circuitous course through the ports of other Powers, that the Government finally consented to a reciprocal trade between its colonies in the West Indies and the United States. The President accordingly, by proclamation dated on the twenty-fourth of August, 1822, after stating that those ports were opened to the vessels of the United States, declared, by virtue of the authority given him by the Act of Congress of the sixth of May last, that the ports of the United States shall be open, until the end of the next session of Congress, to the vessels of Great Britain employed in the intercourse between those colonies and the United States; provided that the master and three-fourths of the crew shall belong to Great Britain, and the articles imported be of the growth or manufacture of the British islands in the West Indies, and such as British vessels are allowed to export from such colony to the United States.<sup>1</sup>

Congress assembled, according to adjournment, on the second of December, and the next day the President sent his opening message, to both Houses.

He first brings to their notice the convention with France; then the renewal of the commercial intercourse between the United States and the British colonies in the West Indies and North America.

The decision of the Emperor of Russia on the construction of the article in the treaty of Ghent respecting the slaves carried away by the British, has been received. A convention has been concluded between the two na-

<sup>1</sup> Niles's Register, for 1822, page 424.

tions, in conformity with that decision, which will be submitted to the Senate.

A Territorial Government has been established for Florida.

The receipts into the Treasury for the three first quarters of the year have been more than fourteen millions seven hundred and forty-five thousand dollars. The payments, in the same time, have exceeded twelve millions two hundred and seventy-nine thousand dollars, leaving in the treasury four millions one hundred and twenty-eight thousand dollars. The gross amount of duties for the whole year will probably not be less than twenty-three millions.

The course of the Administration as to the ports, military fortifications, and distribution of the troops, is detailed, and the Military Academy is especially commended.

In like manner, the operations of the navy for the year are noticed.

The trading establishments with Indians have, conformably to the act of the last session, been closed. He thinks it essential to the success of the Territory, that the Indians inhabiting it should be removed to some other position, or that they should be more concentrated.

He suggests the expediency of appointing an agent for the public lead-mines, who is skilled in mineralogy, for their superintendence.

The Cumberland road has already suffered, for want of a regular superintendence, and of the repairs it is continually requiring. Believing that Congress has not the power to adopt and execute a system of internal improvements, he thinks that that body should recommend an amendment of the Constitution of the United States for that object. If they do not think proper to do this, he

still thinks they have the power to appropriate money for the purpose of keeping it in repair; and he refers to the full exposition of his views on these constitutional questions in his veto of the bill for the erection of turn-pike gates on this road.

He speaks favorably of the manufactures of the country, which he thinks should be encouraged by an addition to the impost.

Adverting to the many accounts of expenditures incurred during the war, which remain unsettled, he says their amount, on the fourth of March, 1817, was one hundred and three millions six hundred and eighty thousand eight hundred and seventy-six dollars, of which ninety-three millions one hundred and seventy-five thousand three hundred and ninety-six dollars have been since settled; and since that date, there have been drawn from the treasury one hundred and fifty-seven millions one hundred and eighty-nine thousand four hundred and seventy-nine dollars.

It thus appeared that our commerce and revenue are both prosperous: that we have made great progress in the construction of fortifications, in providing ordnance, and in adding to the navy; that our manufactures have increased in extent, and improved in quality: and that great improvement has been made in the settlement of public accounts, and economy has been made in every department of the Administration.

It was hoped that peace had, ere this, been concluded between Spain and the independent Governments in South America. This hope is still indulged.

Europe is still unsettled. He mentions, with seeming interest, the struggle of Greece for independence, and of the lively sympathy every where manifested for them throughout the United States.

Of the changes which have lately taken place in the Governments of Spain and of Portugal, he speaks in favorable terms.

He remarks that, distant as we are from Europe, and unconnected with any of their subjects of controversy, we must not expect to be entirely unaffected by these wars. The surest way of avoiding war is to be always prepared for it. When we find that war of a frightful character rages from the Adriatic to the Black Sea; that it is threatened between Portugal and Brazil; that it still continues between Spain and her late provinces; and that a system of piracy is maintained on the neighboring seas, which will require great activity and vigilance to suppress it — we have every motive for pushing our means of defence with vigor. The United States owe to the world a great example. Let us show that the charge often brought against republics, that war always finds them unprepared, and that its terrible warnings are soon forgotten, are destitute of truth.

On the fifth of February, a report was made in the House of Representatives on the subject of foreign coins, which, by the act of 1816, were declared to be a legal tender for three years. Foreign gold coins, therefore, ceased to be a tender on the first of November, 1819; but the act of 1816 was continued in force, in March, 1819, so far as related to crowns and francs, until the twenty-ninth of April, 1821. On the third of March, 1821, it was continued in force until the twenty-ninth of April next. That the gold coins, foreign and domestic, have been generally exported, so that, perhaps, a thirtieth part remains in circulation: that there had been a great export of specie, from which, they say, there must be a great depreciation of all property. They think that we cannot yet dispense with the use of foreign coins.

They therefore propose that crowns and five franc pieces be continued a legal tender; which course had also the recommendation of the Secretary of the Treasury.

Two amendments to the Constitution were proposed—one by Mr. John Taylor, of Caroline, Senator from Virginia, the object of which was to prevent an election from going to the House of Representatives. It provided that when no candidate had a majority of votes, the Electors shall be required to select one of them; but if, at such second election, no one had a majority, then the election to be made by the House of Representatives, as at present. The proposition, however, did not prevail.

The same result attended the amendment proposed by A. Smyth, of Virginia, to prevent any Elector of President, or any member of Congress, from being appointed to any office of emolument.

In the Senate, on the question of making an appropriation of money for the repair of the Cumberland road, the project was opposed by Mr. Taylor as unconstitutional; but its constitutionality was sustained by twenty-six votes to nine.

The approaching Presidential election, though a year distant, was perceived already to have an influence on many of the proceedings of Congress, at this session. Among these, may be mentioned an attack on Mr. Crawford, as Secretary of the Treasury.

It appeared that one of the documents respecting the transactions of the Treasury Department with some of the Western banks, had been suppressed; on the discovery of which fact, a committee was appointed to investigate the subject. The committee were not able to discover the author of the suppression; but they say that there is no reason, whatever, to charge Mr. Crawford with having had any agency in the transaction. He

could have had no motive for the suppression, and he had promptly communicated to the House the required letter, of which the suppressed document is a part.

In the letter of the Secretary of the Treasury thus referred to, Mr. Crawford states that he had authorised the receipt of the paper of the Western banks, under the peculiar pecuniary difficulties which then existed; and it was subsequently found that this money, or a part of it, was lost to the United States. Mr. Crawford justified his course by the determination just before made by the Bank of the United States not to receive Western notes, and by the diminution in the sale of the public lands in consequence of such refusal to take those notes in payment. At the time he wrote the letter in question—February, 1823—he did not certainly know there would be any loss; and he was confident that, in any event, the benefit would exceed the loss.

By the suppression of this letter, Mr. Crawford was, on the one hand, exposed to the suspicion of wishing to prevent his admission that he had sanctioned the receipt of the uncurrent notes; and on the other, Mr. Cook and Mr. Edwards, of Illinois, who were known to be unfriendly to Mr. Crawford's election to the Presidency, and who had had possession of the papers, were subjected to the suspicion of having suppressed them, for the purpose of having the suppression imputed to Mr. Crawford. The committee, however, after adverting to all the circumstances that had come to their knowledge relative to the transaction, acquit Mr. Crawford in the most unqualified terms; and add, that there are no sufficient grounds to charge any member with having caused the suppression, that is, with having made those marks on the papers which were considered as instructions to the public printer to omit them.

This subject was revived, as we shall see, at the succeeding session, and made the ground of a serious attack on Mr. Crawford.

Indeed, it was clear at this session, as well as the preceding, that no inconsiderable part of the measures of Congress were dictated by the wish to influence public opinion in favor of one or the other of the candidates for the Presidency; and where that question was not the immediate motive of any measure, it often had more or less influence on the discussion of it, and sometimes on its decision.

The field of contest for the office of Chief Magistrate had, in the course of a year, changed its aspect; and a new and more formidable candidate had now presented himself in General Jackson, who had been formally nominated by the Legislature of Tennessee. At first, this nomination afforded matter of jest and merriment rather than of serious animadversion, in other States, since, unquestionable as were General Jackson's military qualifications, he was not thought to possess the requisite information, or respect for the civil authority, or temper, deemed requisite in the office of President, and very few believed that the favor which his military successes had procured for him in his own State would find much real support in other parts of the Union. We shall see how fallacious were these expectations.

As the scheme attempted at the preceding session, of keeping the Cumberland road in repair by levying a toll on those who used it, failed in consequence of the President's veto, Congress again resorted to its former course of making an appropriation for its repairs; and though the strict constructionists of the Constitution objected as much to this as to the erection of toll-gates by Congress, yet the President having no scruples on this point, the

bill, on the question of its third reading, obtained a majority of eighty-nine votes to sixty-six.

An unlicensed expedition of a small force was fitted out, in the preceding year, in New York and Philadelphia, against Porto Rico; and it left the United States before the scheme was known to the Government. It, however, proved abortive, and was soon forgotten by the public.

On the other hand, privateers fitted out from the same Island, and other Spanish ports, preyed upon American commerce; and the neighboring seas were infested with lawless men, who, tempted by the rich and defenceless ships of the United States, committed acts of downright piracy, and it was found expedient to despatch Commodore Porter, with a squadron, to suppress these piracies.

The friends of a system of protecting domestic manufactures by high duties on rival fabrics from abroad, were again foiled at this session, notwithstanding the zealous efforts of a considerable number of the House.

Among the abortive schemes of this session was the attempt to effect a settlement on the Pacific, at the mouth of the Columbia River. This had been, for a year or more, a favorite object with Mr. Floyd, of Virginia; and in his report of the previous year, he dwelt not only on the benefit of the settlement to the whale-fishery of those seas, but also on the trade to China and India, which he predicted would one day take that direction. To most of the House these views appeared to be altogether visionary. Supposing the coasts of the Pacific to be much nearer to China than those of the Atlantic, yet it was thought that the transportation overland, of from two to three thousand miles, would more than counterbalance the saving in the sea voyage: and though that were not the case, it was said that when countries were

so distant as the Atlantic States from the regions of the Pacific, and were separated by such a barrier as the Rocky Mountains, it was not probable they would continue long united. Having a separate set of local interests, and a separate commerce and foreign connections, a political union would be, to both, a source of more inconvenience than of benefit. With such a probable result, why, it was asked, should we be wasting the resources of the country to hasten the period of separation, and expend money which must eventually be lost to us?

These views seemed satisfactory to a large majority of the House; and on the mere question of calling up the bill which General Floyd had introduced, for the occupation of the Columbia River, the vote against the consideration was one hundred to sixty-one.

The majority were probably right at that time; but, ere the lapse of many years, the merits of the question were entirely changed. Railroads had not then been invented; steamers had not yet ventured to cross the oceans, and doubts were entertained whether they could carry fuel enough for so long a voyage, and merchandize enough to yield a profit. Both these problems have since been solved to the advantage of quick and cheap transportation; and now the distance between New York and the mouth of the Columbia River is scarce a greater impediment to commercial intercourse, than was New Orleans, at the time when Louisiana was acquired. Goods and passengers now find their way from the Atlantic cities by Cape Horn, in three or four months, and across the Isthmus in as many weeks. All look to a communication by railway, the only question being about the best route; and no one doubts that, ere many years, it will be practicable for a traveller to pass from

one ocean to the other in four or five days—in less time than was required, at the breaking out of the Revolution, to go from Boston to New York.

Mr. Floyd gave to the Territory on the Pacific the name of Oregon, which he found that a part of it originally bore, and this has now become its permanent name.<sup>1</sup>

Mr. Cheves having resigned at the end of the year, according to previous notice, the stockholders elected Mr. Nicholas Biddle, of Philadelphia, where his connections were numerous, and he was highly esteemed for his literary accomplishments.

<sup>1</sup> I have been more full on this subject, because no one was more decidedly hostile to the project of my colleague than myself; and it presented one of the few occasions when I ventured to occupy the time of the House. But no one subsequently became more sensible than myself, that my views, if right at first, had been refuted by the improvements of the age.

## CHAPTER XXIII.

### MONROE'S ADMINISTRATION.

#### SECOND TERM.

1823—1825.

IN the course of the summer, Commodore Porter succeeded entirely in putting an end to the depredations committed on American ships by vessels which had obtained commissions in Porto Rico, and some of the ports of Cuba, as privateers to cruise against the former colonies of Spain in America, but which, in fact, often acted as pirates, plundering and murdering all the defenceless they met with. The presence of the American squadron was sufficient to awe these freebooters into forbearance; and most of them quitted their former calling to engage in the congenial business of the African slave-trade.

Already nominations for the office of President had been made by several of the Western States. The Legislature of Tennessee had nominated General Jackson — those of Kentucky, Ohio, and Louisiana, had nominated Mr. Clay — and all the five candidates, to wit: Messrs. Adams, Crawford, Calhoun, Clay, and Jackson, had numerous friends and supporters, so as to make it probable that no one would receive a majority of the whole number of electoral votes, and consequently that the election would devolve on the House of Representatives; a result which the American people greatly deprecated, as affording such strong temptation to intrigue and corruption.

Congress assembled on the first day of December. Henry Clay, who had again been elected to Congress, was nominated as Speaker; and on examining the ballots, he had one hundred and thirty-nine votes, and Philip Barbour, the Speaker of the last Congress, received forty-two.

The next day, the President transmitted his annual message to both Houses.

Having formally noticed the necessity of giving to the people the fullest information of the condition of their affairs, he proceeds to inform Congress of the foreign relations of the United States.

The Commissioners for settling the north-eastern boundary between the United States and the British possessions, under the treaty of Ghent, have made their several reports to their respective Governments; and it being not easy for any third party, to whom it might be referred, to settle the controversy without great delay, the two nations are about to try to adjust it by amicable negotiations. The United States have also proposed that they should endeavor to regulate their commercial intercourse by treaty, as well as the claims of our citizens on the lakes to the navigation of the St. Lawrence; and a negotiation has been opened for those objects. The sixth article of the treaty has been executed, and the Commissioners are preparing to execute the seventh.

The negotiation for indemnities from the French Government has not yet had the desired effect.

In conformity with the proposal of Russia, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburg, to settle the rights and interests of the two nations on the north-west coast.

A similar proposal has been made to Great Britain, which has been acceded to. He adds that, "in the dis-

cussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by an European Power."

In compliance with a resolution of the House of Representatives, instructions have been given to all foreign Ministers of the United States, to propose the proscription of the African slave-trade, by regarding it as piracy, as likely to insure the suppression of the odious traffic.

Ministers have been sent to the new Republics of Colombia and Buenos Ayres. The one appointed to Chili will sail in a few days. An appointment will soon be made to Mexico. A Minister has been received from Colombia, and others may be soon expected from the other Governments.

The state of the public finances exceeds the most favorable anticipations. In the first three quarters of the year, the receipts exceeded sixteen millions of dollars; and it is expected that, at the end of the year, after having paid the expenses of the Government, there will remain nine millions in the treasury.

The organization and discipline of the army are now in a high state of perfection. The fortifications are advancing as rapidly as the appropriations would admit.

The Riccaree Indians having committed outrages, and manifested a hostile spirit, have been effectually checked.

Details are also given of the operations of the navy; and an expedition against the pirates in the neighborhood of Cuba has been successful in suppressing them. But the piracies committed under other pretences, in the Island of Porto Rico, have not been suppressed. The

Minister of the United States to Spain has been instructed to demand the interposition of that Government.

A review of the tariff, for the protection of manufactures, is recommended.

As a canal connecting the Chesapeake Bay and the Ohio River is thought practicable, and would be of immense national benefit, it is, consequently, one of those objects for which Congress may appropriate money; and he recommends the employment of engineers to ascertain the practicability of such a canal.

He also suggests, as a permanent provision for the repairs of the Cumberland road, that the Executive be authorised to enter into an arrangement with the States through which that road passes, to establish tolls on the road adequate to its repairs.

The struggles of the Greeks for independence are mentioned only for the purpose of expressing his lively interest in their cause, and his belief of their eventual success.

Adverting to the wish formerly expressed by him, respecting the recent changes in the Governments of Spain and Portugal, he disclaims any disposition on the part of the United States to take part in European contests; and at the same time adds, "We owe it to candor to declare, that we should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and just principles, acknowledged, we could not view any interposition for the purpose of

oppressing them, or controlling, in any other manner, their destiny by Europeans in any other light than the manifestation of an unfriendly disposition towards the United States." We are still disposed to continue our neutrality between these new Governments and Spain, provided no change shall occur which "shall make a correspondent change on the part of the United States indispensable to their security."

Referring to the interposition of foreign Powers in the concerns of Spain, he remarks, "While our settled policy is not to interfere in the internal concerns of other nations; but in regard to those continents, circumstances are essentially different, and it is impossible for the allied Powers of Europe to "extend their political system to either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

He notices, in conclusion, with patriotic pride, the rapid and unexampled progress which the United States have made since the close of the Revolution, in population, in settlements of the wilderness, in wealth, strength, and respectability—all of which is due to the excellence of our political institutions.

That part of the preceding message which undertook to declare that European Powers were to establish no new colony on the American continent, nor to attempt to introduce their political system—that is, monarchical government—in the Western world, but at the risk of encountering our hostility, created no little sensation among the members of Congress.

In the first place, it caused surprise by its novelty and

boldness — the subject never having before created any discussion, or elicited any public declaration of sentiment; and it not being within the legitimate powers of the Executive of the United States to speak in behalf of the nation of a policy which might lead to war, which Congress alone has the power of declaring. The declaration, too, was not consistent with the habitual prudence and caution which had ever characterised Mr. Monroe's foreign policy. But while it was well known that this declaration of the sentiments of the people was altogether gratuitous, and taken upon trust, they seemed so natural in themselves, and were so gratifying to the pride of the nation, and so well accorded with the rights of self-preservation, that no one thought of questioning the authority by which they were made; and the assumption was overlooked, or, if perceived, was forgiven.

This declaration excited no little interest, both in Europe and in America. There it was regarded as a serious warning — here, as a solemn assertion of right which the nation was disposed to ratify, though they had not given it their previous sanction. But its history has been since more fully developed, and but a share of the honor of it must be given to Mr. Monroe.

It was known by the British Cabinet that, among other schemes of the allied Powers, at their Congress at Laybach — for the purpose of putting down the republican spirit which had so spread in America, and might reach Europe — was to aid Spain to recover the dominion of her revolted colonies. This measure would be deprecated in England, partly from the sympathy which a large portion of the nation have always testified in favor of civil liberty, and partly because the independence of the Spanish provinces would open an extensive and

lucrative commerce to their merchants, from which they had been excluded by the monopoly that Spain secured for herself. Mr. Canning, who then was Minister for Foreign Affairs, suggested to Mr. Rush, the American Minister, that if the United States would take strong ground against the interference of the allied Powers in the affairs of the new Spanish-American Governments, Great Britain would support her. Those intimations having been conveyed to Mr. Monroe, by the Minister, in a private correspondence, because it was important, on several accounts, that the suggestion of Mr. Canning should not be known, it was supposed, even by some of the members of his Cabinet, to have originated with himself. When, however, the President's message arrived, it was found to have gone a long step further than Mr. Canning had expected or wished; and it was said that Mr. Monroe's declaration against the future extension of colonies in America was as unwelcome as unexpected to the British Cabinet. This addition, according to the testimony of Mr. Calhoun, was made by Mr. Adams himself, who prepared the President's message. If so, neither of these bold declarations originated with Mr. Monroe, and he is entitled only to the praise of adopting and sustaining them with that good sense and firmness which characterized all his public measures.

As the approaching Presidential election engrossed all men's minds at this time, amendments to the Federal Constitution continued to be proposed with reference to this subject. Mr. M'Duffie, of South Carolina, a warm supporter of Mr. Calhoun, first offered a resolution that a select committee inquire into the expediency of recommending some uniform mode of choosing Electors throughout the Union. A committee was accordingly appointed, and on the twenty-second of December Mr. M'Duffie

made an elaborate report, concluding with proposing amendments for choosing Presidential Electors, and also Representatives in Congress, in one uniform mode throughout the United States. If no choice of a President was made by the Electors, it was then to devolve on the House of Representatives—the members voting individually, and not by States.

In the Senate, Mr. Hayne, from South Carolina, proposed an amendment, by which, if no choice was made by the Electors, then they shall all be convened by the President's proclamation, and proceed to make a choice by ballot.

Mr. Benton, from Missouri, also proposed an amendment, the objects of which were to divide the United States into Electoral districts; to discontinue the use of intermediate Electors; to commit the election to a direct vote of the people; and to continue the umpirage of the House of Representatives, when no candidate had received a majority.

Another amendment was proposed by Mr. Mills, of Massachusetts, which was to restore the mode of election first adopted in the Constitution.

And, lastly, another was proposed by Mr. Van Buren, which, in case there was no choice by the Electors, they were required to meet a second time, and vote for one of the two who had previously obtained the greatest number of Electoral votes; and in case two persons obtain the same number of votes, the Electors shall decide between them.

But no one of these propositions was adopted, or, indeed, finally acted on.

Another consequence of the present state of the public mind was a discussion of the expediency and propriety of having a Presidential *caucus*, or unofficial consultation

of the members of Congress. As Mr. Crawford was believed to have more friends in the two Houses than any other candidate, his adherents were all in favor of a *caucus*; and for the same reason, the respective friends of the other candidates were opposed to this expedient. It was the subject of frequent and elaborate discussion in the newspapers. There were resolutions against Congressional *caucuses* by the Maryland and Tennessee Legislatures. In the Legislature of Virginia, the friends of the *caucus* system, in an attempt to answer the Tennessee resolutions, were outvoted; but after a few days, they rallied, and held a *caucus*, at which one hundred and fifty-seven of the two hundred and thirty-six members of the Legislature were present, and nominated Mr. Crawford for the Presidency.

A majority of the members of the North Carolina Legislature had also held a *caucus* in December, and made a like nomination.

At this session, though the long one, no subject so much engrossed men's minds as the approaching Presidential election. Of the five candidates before the people, every man in Congress, every man in Washington, was the warm supporter of some one of them; and there were few measures brought before Congress, in which this question did not more or less mingle.

General Jackson having been appointed a Senator from Tennessee, all the five candidates were now in Washington, ready to consult with their friends, and to profit by any circumstances which should arise. It is true that, when it was first announced that General Jackson had been nominated by the Legislature of Tennessee, it furnished a theme of jest and amusement, and the nomination was imputed to the supposed ignorance, in a frontier State, of the sentiments of the American

people. But in no long time it appeared that the same circumstances which had recommended him to the people of Tennessee — his brilliant military services to the nation — also recommended him to the people in the other States.

The first evidence of this was exhibited in the interior of Pennsylvania, where, at one or more public meetings, he was also nominated.<sup>1</sup> It was soon after known that he was preferred by a majority of the Pennsylvania Legislature, and by some of her members of Congress, on whom Mr. Calhoun mainly relied for support. This gentleman finding the current setting so strong in General Jackson's favor, in a State where he had deemed his own strength the greatest, was at first extremely chagrined, and did not fail to express his strong sense of the want of good faith and sincerity of politicians; but this was but a transient feeling. Though his own hopes were thus blasted, he decided, by way of disappointing Mr. Crawford, if possible, to espouse the cause of General Jackson as warmly as if he and the General had never been competitors.

His known predilections, then, for the General, while some of Mr. Crawford's friends had been among the most

<sup>1</sup> An occurrence of a small matter at Washington was thought to have contributed to set the ball in motion. A gentleman who was connected with the family of General Washington having purchased, at the sale of his furniture, a pair of pistols which had been presented to the General by La Fayette, was disposed to give them to General Jackson, whose character he greatly admired; but, unused to public speaking, he requested Colonel C. Fenton Mercer to act as his representative. This was accordingly done by a short speech, in the presence of a number of persons, to which the General made a most grateful and felicitous reply: all of which being published in a Washington paper, was soon diffused by the press to every corner of the Union. And it was afterwards the boast of the actors in this little drama, that they had mainly contributed to make him President of the United States.

active in invoking the public censure on Jackson for his high-handed measures in the invasion of Florida, naturally led the public to infer, when it was understood that the Cabinet were divided as to his measures in that Territory; that Mr. Crawford had been the opponent of General Jackson, and Mr. Calhoun his friend. And as it happened that General Jackson was unpopular in Virginia, where Mr. Crawford had most friends, and was an especial favorite in Pennsylvania, where Mr. Calhoun also had a good interest, both these gentlemen felt unwilling to set the public right in this matter, as each would then be in collision with their political associates in States where those associates were most numerous. Some of those who were friends of Mr. Crawford, and who had the confidence of the Executive, strongly censured him for taking the credit of opposing General Jackson, to which he was not entitled; though they disregarded the same thing in Mr. Calhoun, who also had the credit of being the General's apologist and advocate in the Cabinet, to which he was not entitled. It is highly probable that it was also communicated to Mr. Taylor, of Caroline, to whom Mr. Calhoun made a visit, in Virginia, and who was also opposed to Mr. Crawford's election.

In the manoeuvres and intrigues which the busy politicians carried on during the session, the efforts of the partisans of Messrs. Crawford and Calhoun were particularly opposed to each other, as were those of Messrs. Jackson and Clay from similar causes of local rivalry. Mr. Adams, aware of these conflicts among his competitors, was silently waiting their results, and was not without hopes that, by being the second choice probably of both parties, he might, in this way, obtain a majority of the votes. For some time, in the preceding year, his pretensions and chance of success were thought so infe-

rior to those of any one of his competitors, that he was almost forgotten in the estimates made of the probable votes; but his triumphant vindication of his course against the groundless and disingenuous attacks of Mr. Russell, his promptness in taking up the gauntlet against a far more redoubtable adversary,<sup>1</sup> who, declining to take any part in the controversy between two of his colleagues at the treaty, said that there were some small errors both of opinion and fact in Mr. Adams's account of that negotiation; and lastly, his severe retort on General Smyth, of Virginia, who had publicly stated why he did not mean to vote for Mr. Adams—altogether placed him, for some time, so continually and so advantageously before the public, that his friends and supporters, who were numerous in New England, and of weight and influence in other States, had their hopes revived for his success.

Among the efforts made to injure the candidates in the public estimation, was the attack made on Mr. Crawford by Mr. Edwards, a Senator from Illinois, for using his power, as Secretary of the Treasury, to aid some of the banks of the West, by which the United States had lost a considerable sum of money. These charges are thus summed up by himself:

First. That William H. Crawford has mismanaged the national funds.

Second. That he has received a large amount of uncurrent notes from certain banks, in part discharge of their debts to the United States, contrary to the resolution of Congress of 1816.

Third. That, being called on by a resolution of the House of Representatives to state the amount of uncurrent notes which he received from those banks, he has misstated it, by making it less than it really was.

<sup>1</sup> Henry Clay.

Fourth. That he has, in his report to the House, misrepresented the obligation of those banks, or some one of them, at least, and predicated thereon an indefensible excuse for his conduct, in receiving those uncurrent notes.

Fifth. That he acted illegally, in a variety of instances, by making and continuing deposits of public money in certain local banks, without making report thereof to Congress, according to law.

Sixth. That he has, in several instances, withheld information and letters called for by the House, which it was his duty to have communicated.

For specifications of these charges, he refers to the publications in the newspapers signed A. B., and which he professes to have written.

These charges were formally addressed to the Speaker of the House by Mr. Edwards, who had been recently appointed Minister to Mexico.

He professes to vindicate himself from a charge made in a letter from Mr. Crawford to the House of Representatives, in which he says that no such letter as Mr. Edwards had referred to in his testimony, on the thirteenth of February, 1823, is on the files of the Treasury Department, and that no answer to such letter was written to him by the Secretary of the Treasury.

This subject was referred to a select committee, of which Mr. Floyd was Chairman. They had leave to sit during the session. They continued their sitting until the twenty-first day of June, when they adjourned, after having agreed to a report, in which they confirm the result of their first inquiry; and conclude with declaring that, in their opinion, "nothing had been proved, to impeach the integrity of the Secretary, or to bring into doubt the general correctness and ability of his adminis-

tration of the public finances." On this point they were unanimous. Points of less importance they have thought proper to leave, without observations, in the light in which they are placed by the evidence.

This paper was published during the recess of Congress, as an act of justice to Mr. Crawford in the Presidential election.

But no subject of the session was debated with as much earnestness and zeal as that of roads and canals, though it had recently undergone so thorough a discussion. It was manifest that those who asserted the power of Congress over the facilities of transportation, had increased in number; and a bill having been brought forward in the early part of the session, which authorised the President to have surveys, plans, and estimates of such roads and canals as he deemed of material importance, the opponents of the policy took the alarm, and determined to resist the policy, even in this preliminary step. Nor was the want of constitutional power the only objection to it; for some thought that, if the proposed system were once adopted, it would produce incalculable mischief, and, more than any thing yet attempted, endanger the proper equipoise between the General and the State Governments.

In the debate, which continued several weeks, the advocates for the bill were Messrs. Hemphill, M'Lane, Clay, and Buckner, of Kentucky; and those opposed to it were Messrs. Wood, Mallory, Foot, Spaight, and no less than nine members from Virginia, to wit, Messrs. Archer, Philip P. Barbour, John S. Barbour, Randolph, Rives, Stevenson, Arthur Smith, Smyth, and Tucker.

The vote on the engrossment was one hundred and fourteen to eighty-two.<sup>1</sup> It passed without a count.

<sup>1</sup> Annals of eighteenth Congress, Vol. I., first session, page 1041.

The subject of affording protection to manufactures, which had been agitated at several preceding sessions, was again brought forward. This subject was, as usual, fully discussed by the members for and against the tariff, as their constituents chanced to be manufacturers or mere consumers; but the speech of Mr. Clay on one side, and of Messrs. Barbour and Webster on the other, stated the arguments on which the friends or opponents of the bill severally relied.

Mr. Barbour, of Virginia, opposed the bill on the ordinary grounds of the impolicy of restrictions on commerce: that labor and capital, by the instinctive desires and sagacity of self-interest, will take that direction which will be most advantageous to individuals and the nation: that we must buy of other nations, if we would sell to them, and by burdening our imports, we injure our market for exports: that in this way, too, we shall injure the shipping interest, by lessening our foreign commerce: that, by high duties, we shall diminish the revenue, and our ability to lessen the public debt: that it will force capital and labor into employments for which we are not yet suited: that whenever manufactures are profitable, they will be undertaken: that they already had received protection from the duties laid for revenue: that the prohibitory feeling is now generally condemned by modern statesmen: and lastly, that to lay duties for the encouragement of manufactures was unconstitutional.

Mr. Clay urged all the arguments which then and since have been advanced by the manufacturers. He relied on the redundancy of our agricultural products, their low price, and the general distress experienced in consequence by the farmers, planters, merchants and ship-owners: that our capital and labor might be profitably directed, and it required the aid of the Government

to overcome the force of habit: that the population of our country increases in fourfold ratio to that of our customers, and for this growing excess we can find a market only at home. He referred to the diminution of many of our exports, instead of the increase. The higher price of labor in America is counterbalanced by the power of machinery, which is the same, or nearly the same, here as elsewhere. The success of England is relied on in favor of encouraging home industry. He denies that it would benefit one portion of the country at the expense of another, and that slaves are unfit for manufactures; but though it were true, the interest of the rest of the Union ought not to be sacrificed to the slaveholder. He denied that the principal exports would be diminished, as they are purchased by Europe for her own benefit. As to the revenue, he considered that the increased duty would compensate for a diminution of imports; and in a country increasing in numbers and wealth like this, the pressure of the debt was less and less felt. Even when its nominal amount is greater, it is relatively less. Prophecies of our failure to compete with England in manufactures will prove as fallacious as those made as to our restrictive policy in commerce and the West India trade. He combated the assertion that Great Britain had materially changed her policy; and though she did, she had already had the benefit of it, and in the present improved state of her manufactures, may now venture on a free competition that would not once have been safe. He referred to similar views of Napoleon, in confirmation of his own. He denied that protection was unconstitutional, it not being forbidden, and the power of laying duties being altogether unlimited and discretionary. He dwelt on the diversity of interests, and the necessity of compromise, which had so often been resorted to.

Mr. Webster replied with his usual ability. He denied, in the outset, that this was a question between the friends of a foreign and an American policy. He insisted that the policy proposed to be adopted was more properly a foreign policy, as it was new, and relied on the example of foreign countries. He admitted the depression of prices, and stagnation of trade; but they had been grossly overrated. He showed the progressive increase in exports, from twenty-seven millions, in 1790, to fifty-eight millions, in 1823. He referred to the increased consumption to show the improved condition of the people, and instanced tea. The prosperity of colleges was another proof. He imputed the fall of prices to the transition in Europe from war to peace, and the effect of our own war in creating a demand for some articles, the resumption of cash payments in England, and the redundancy of paper-money. He showed the injurious effects of these changes on our commerce and navigation. He would give protection to manufactures, but not to them exclusively. He showed that England now pursued a more liberal policy than formerly, and would do more, but for the inconvenience of correcting evils that have long existed. He cited speeches from distinguished members of Congress, to prove their present liberal views; and that England had grown rich, not by her restrictions, but in spite of them. He referred to their opening their colonial ports. He defended the warehouse system, which had been much opposed in the United States. He descanted upon the errors involved in the theory of the balance of trade, by which a branch of traffic was considered injurious, in the same degree that it was beneficial; and that, in all profitable trade, the value of the imports must exceed that of the exports. Commerce is not a gambling among nations for a stake, but creates a

new value to both parties. He illustrated this view in a variety of modes equally clear and satisfactory; and it affords no evidence that a trade is a losing one, because we buy more of a nation than we sell to her. He denied that it was more injurious to export specie than merchandize. He answered the argument drawn from the state of exchange on England, by showing, first, that the real rate of exchange was different from the nominal; and, secondly, it may show that money was wanted in England, not to pay debts due from America, but to make advantageous remittances to other countries, as to Holland or Russia.

He insisted that the imported foreign commodity is as much purchased by domestic labor as the domestic manufacture. He adverted to the encouragement that manufactures had already received, and he showed the absurdity of absolute prohibitions. He enlarged on the interests of navigation, and showed that the bill proposed to lay new duties on articles required for shipping. He condemned the policy of a duty on wool, which would not only injure the manufacturers, but might, by preventing the import of some species of wool, lessen the demand for other kinds, and thus also injure the farmer and wool-grower.

He said the laws of prohibition and monopoly were well suited to an ignorant, sluggish state of society, but not to the present age. He adverted to the duty on iron, which he showed could be furnished us by the cheap labor of Sweden on better terms than we could make it; and that the duty pressed heavily on the navigating interests. He showed how much this interest was cherished in England. He concluded with saying that parts of the bill he approved; in others he acquiesced; but the others appeared to be so unjust and so burden-

some to that interest which had enriched, gallantly defended, and proudly distinguished us, that nothing could induce him to support it.

After a protracted discussion, the bill passed, on the sixteenth of April, by one hundred and seven votes to one hundred and two.<sup>1</sup>

In the Senate it underwent several amendments, as the amount of duties on particular articles; and on the fifteenth of May, passed, as amended, by twenty-five votes to twenty-one.<sup>2</sup> These amendments not meeting with the concurrence of the House of Representatives, a conference took place between the two Houses, when each having receded from a part of its amendments, the bill was passed.

On the first of April, the President transmitted a message to Congress on the subject of the compact between the United States and Georgia as to the removal of the Indians.

After referring to the efforts that had been made by his predecessors and himself to remove them, he states the peremptory refusal of the Cherokees, by reason of which they cannot be removed at this time, except by force. He considers this would be unjust, and he denies that the compact requires more than that it should be done peaceably, and on reasonable conditions; and the right of the Indians to their territory was fully recognised by both parties. He added that it would promote the happiness and prosperity of the Indian tribes within our limits, if they could be removed west and north, from various considerations: all which points he submits to the consideration of Congress.

He sends a report on the subject from the Secretary of War, giving a detail of the various treaties of cession

<sup>1</sup> Annals of eighteenth Congress, Vol. II., first session, page 2429.

<sup>2</sup> Ibid. Vol. I., page 744.

with the Indians within the State of Georgia, and of the action of the Government, desirous as it was of fulfilling its stipulations with Georgia, and of discharging the duties of humanity and justice to the Indians.

The delegation in Congress from Georgia addressed a letter to the President, in which they comment very freely on the course pursued by the United States. They deny the rights of the Indians to the lands they occupy, of which they are simply occupants, tenants at will. They insist that the United States have not acted with good faith towards Georgia; and they attribute the unwillingness of the Cherokees to remove to the course pursued by the Government. They insist that they should be removed, at any rate, to a territory to be provided for them, which will eventually be beneficial to them. This letter was signed by two Senators and six Representatives, and dated March the tenth, 1824.

Another measure, which the mercantile interest had very much at heart, was a bankrupt law, which, however, failed, as it had done before. The committee to whom the subject had been referred, reported that it was not expedient to establish the system.

General La Fayette having signified, to some correspondent in America, that it was his intention to visit the United States, a resolution was offered to invite him to do so, and to tender one of the national ships for his conveyance.

Resolutions were also offered, expressing a lively sympathy for the cause of the Greeks in their present struggle to emancipate themselves from the dominion of Turkey. Mr. Webster distinguished himself by the speech he made on that occasion. He was supported by Mr. Clay, and opposed by Mr. Randolph.

He illustrated the bold and threatening doctrine re-

cently promulgated by the Holy Allies at Laybach, by a figure as happy as original. "Was this an alliance," he asked, "of nation with nation? No, it was an alliance of crowns against the people; of sovereigns against their own subjects; it was, in a word, the union of the physical force of all Governments against the rights of the people in all countries. What was the natural tendency of such an alliance? It was to put an end to all nations as such. Extend the principles of that alliance, and the nations are no more — there are only kings. *It divided society horizontally* (if such a figure was allowed to him); and left all the sovereigns above, and all the people below. It set up the one above all rule and restraint, and put down the other to be trampled beneath their feet."

A resolution was offered, for calling on the President to communicate any information he possessed as to the intention of the allied Powers to aid Spain in recovering her colonies on this continent: to which the President replied that he had no information on the subject that he could communicate to the House without detriment to the public interest.

If Mr. Adams had been assailed by Jonathan Russell for his not being sufficiently zealous in protecting the fisheries, or the exclusive navigation of the Mississippi: and Mr. Crawford, by Mr. Edwards, for using his official power to electioneer with the Western banks: General Jackson's political orthodoxy was also impugned by Mr. Lowrie, one of the Senators of Pennsylvania, an avowed friend of Mr. Crawford.

It was asserted by the editor of "The Democratic Press," of Philadelphia, that General Jackson had advised Mr. Monroe to appoint for his Cabinet two Federalists and two Republicans. As this was likely to injure

the General in the approaching election, and especially the Republican party in Pennsylvania, the fact was inquired into, and was contradicted in the public journals by Mr. Kremer, a member of Congress from Pennsylvania, who learned from Mr. Monroe that General Jackson had never recommended but one person to him for an appointment.

The editor refused to credit the contradiction, and asserted that General Jackson's letter to Mr. Monroe had been read to the Pennsylvania Senators, Messrs. Lowrie and Findley. This statement was again denied by a writer in the same paper, on the authority of the President, General Jackson, and Mr. Findley, who all denied their knowledge of such a letter as had been mentioned.

Mr. Lowrie, who had made the statement, felt himself now called upon, in self-vindication, to verify it. He accordingly wrote to Mr. Monroe, referring to Jackson's letter, which he said he felt at liberty to mention, though he had never authorised its publication; and, advertng to the unpleasant situation in which he was placed, requested the President to publish General Jackson's letter. No reply having been returned by the President, Mr. Lowrie published his own letter, and hoped that he should not be compelled to lay before the public "the incontrovertible evidence" which he possessed.

Mr. Lowrie was then challenged to bring forward his boasted evidence, with insinuations of unfair dealings: on which he stated that he had received, from an unknown friend in Richmond, a copy of Mr. Monroe's reply to General Jackson, of which he had duly informed the President.

This statement furnished new materials of obloquy for retaining a letter surreptitiously obtained, and of requesting the President to publish a private confidential letter

to himself: on which Mr. Lowrie asserts, in a publication, that Mr. Monroe refers to other members of Congress to whom the President had shown Jackson's letter, and thus concludes: "Let the public mind be relieved. The means are ample. Let the letter of General Jackson, or so much thereof as relates to the subject, be published. If that is objected to, let the President give his consent to the publication of so much of his answer as is no reply to it. If that is declined, let the letter be shown to gentlemen of character and impartiality, and let them say whether its import has been misrepresented."

The effect of this appeal, after some further discussion in the newspapers, was, that the whole correspondence was published, by the advice of Jackson's friends, and his own concurrence.

It then appeared that Mr. Monroe, in forming his Cabinet, had offered the place of Secretary of War to General Jackson, who, in his letter declining the office, thus frankly expressed his sentiments: "Now is the time to exterminate that *monster* called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings, which, on former occasions, threw so many obstacles in the way of government, and, perhaps, have the *pleasure* and *honor* of uniting a people heretofore politically divided." After further remarks to the same effect, he recommends Colonel Drayton, of South Carolina, who, before the war, ranked with the Federalists, as eminently qualified for the War Department.

Mr. Monroe, in his reply, after thanking the General for his frank and friendly advice, dissents from him on the score of policy, and thinks that, as party contests are not yet over, there are strong prudential reasons

for giving the administrative offices to the Republicans.

General Jackson, in his answer, agrees with him as to the dangerous purposes of some of the Federalists, especially the Hartford Convention, whose leaders he pronounced to be amenable to a court-martial.

It thus appeared that Mr. Lowrie's statement, though not correct to the letter, was substantially true; and that, at the time that Mr. Monroe showed the General's letter, and Mr. Lowrie repeated its contents, no one then dreamed of General Jackson's being a candidate for the Presidency, or could have supposed that the publication of his letter could have injured him with any but intolerant party bigots. In truth, the principal part of the correspondence is highly creditable to the good sense, patriotism, and liberality of both parties.

These letters seem to have had no injurious effect on General Jackson's popularity in any State; but, on the other hand, they every where recommended him to the more moderate portion of the Federal party; and they are letters which, perhaps, do him as much credit as any that he ever wrote.

One of the points of contest between the parties which favored the several candidates was whether there should be a nomination by a *caucus*, or private convention of the members of Congress. In that mode, Mr. Jefferson, Mr. Madison, and Mr. Monroe, had been recommended to the American people; and in that mode, it was said, the provision in the Constitution by which any member of Congress is prohibited from being an Elector, is virtually annulled, since they perform the functions of Electors in making the nomination, and thus the right of selection is virtually taken from the people. It is true that the political party which is the strongest must even-

tually prevail, but it is no small power to be able to make a selection of the two individuals who alone of that party can be chosen President and Vice-President; and this the members of Congress of the great parties into which the country is divided can do, if the *caucus* system prevails.

But besides these general objections to the system by the public at large, there were special objections at this time which weighed heavily against the system, in Congress as well as out of it. It was known that if a *caucus* was held, some of the candidates stood no chance of getting a majority, and the personal popularity of others was seriously apprehended. Attempts then were made, in most of the States, through the press, to denounce this mode of nomination; and in some instances they succeeded in inducing the State Legislatures to denounce them. Maryland led the way, and passed resolutions condemning this mode of nomination. Ohio, South Carolina, and Alabama, protested against it. A meeting of the Democratic members of Congress from Pennsylvania gave their reasons in a circular to their constituents why they should not attend a Congressional *caucus*: and in many other of the States there were plain indications that the current of public opinion was setting in that direction. New York, Virginia, and perhaps Delaware and Georgia, alone expressed approbation of that system of nomination.

The friends of Mr. Crawford, confident of carrying more votes in both Houses of Congress than any other of the candidates, were determined on holding a *caucus*, and accordingly one was held at the Capitol, on the fourteenth of February, 1824, when sixty-six members were present, and two proxies. Benjamin Ruggles, Senator from Ohio, was appointed Chairman. On a ballot, it

appeared that William H. Crawford received sixty-four votes; John Quincy Adams, two votes; Andrew Jackson, one vote; and Nathaniel Macon, one vote — so that, in fact, the number of members of Congress absent from this *caucus* was almost three times as large as those present. Mr. Gallatin, on the nomination of Vice-President, received fifty-seven of the sixty-six votes. The other nine were distributed among eight individuals.

The first legislative denunciation of the *caucus* system was in Tennessee. At the session of 1823, was passed resolutions which were sent to all the States, in which they condemned that mode of nomination.

Among the bills which were passed at this session was one authorising the Executive to have surveys and estimates of roads and canals of a national character. There appeared, on the question of engrossment, to be one hundred and fifteen in favor of the bill, to eighty-six against it. Most of the dissentients thought that Congress did not possess the constitutional power to make roads and canals; but the New York members, most of whom voted against the bill, were induced to do so because they thought it would be unjust for the other States to have these improvements at the expense of the national treasury, while she had solely borne the expense of her great canals.

A select committee was appointed, at the instance of Mr. Floyd, to authorise a settlement at the mouth of the River Oregon, or Columbia, on the north-west coast. The committee made a full report on the subject, in which they spoke of the advantage of such a settlement to the whale-ships, and others, trading on that coast; and that, in time, trade with China might be more advantageously carried on from the Pacific than the Atlantic coast — nay, that England might find the

Western route across this country more eligible than the one she now usually took. This scheme encountered the same opposition at this session as it had at the last, and with the same result.

The first session of the eighteenth Congress adjourned on the twenty-seventh of May to the first Monday in December.

During the summer a very active canvass was carried on by the friends of the respective candidates for the Presidency, and there appeared to be no probability that any one of the four would obtain a majority of the whole number of votes, so that the election would devolve on the House of Representatives. But as late as the opening of Congress in December, though it was known that such was the result, it was not yet ascertained which three of the four candidates would be returned to the House. About General Jackson and Mr. Adams there was no doubt, but it was uncertain whether the third would be Mr. Clay or Mr. Crawford.

Several circumstances had contributed to injure the prospects of the last-named candidate. While he was on a visit, in the summer, to Mr. Jefferson and Mr. Madison, and his warm supporter, Mr. James Barbour, he fell ill of a fever, brought on, it was said, by a long fatiguing walk in a very hot day in July; and for a time, his recovery was very doubtful. He, however, did recover, but his constitution had received such a shock, that it was believed to have affected his mind as well as his body; and it was every where whispered, by the friends of his rivals, that, if for no other cause, he was, by this state of his faculties, disqualified to discharge the duties of President; and while most of his friends persuaded themselves that his malady was temporary, and had not reached his mind, some of the less sanguine portion of

them had serious doubts on the subject. Nor was this all. In New York, where the Electors had hitherto been chosen by the Legislature, there was a strong manifestation of public sentiment in favor of giving the election to the people either by general ticket, or by districts; and a majority of the House of Assembly were for carrying the popular wish into effect. But not so the Senate. Most of its members were men over whom Mr. Van Buren, a decided friend of Mr. Crawford, was supposed to have great influence; and they accordingly determined to resist the popular wish, and to negative the bill from the other House. They did so by a small majority.

This caused great indignation generally throughout the State, which made Mr. Van Buren exceedingly unpopular for the time, and greatly lessened the number of Mr. Crawford's friends, as was exhibited by the vote for Electors in the Legislature.

The friends of Mr. Adams, and of some or all of the other candidates, then came to a compromise, by which the friends of each candidate were allowed to choose their quota of Electors: according to which arrangement the whole thirty-six votes to which the State of New York was entitled, were thus distributed:—For Mr. Adams, twenty-six votes; for Mr. Crawford, five votes; for Mr. Clay, four votes; and for General Jackson, one vote.

When we consider how large a majority of the members of Congress were opposed to a *caucus* nomination, and how unpopular that political engine had become with the nation at large, it can scarcely be doubted that Mr. Crawford lost more than he gained by the *caucus* nomination which he received.

During the autumn, the arrival of General La Fayette at New York divided the public feeling with the Presiden-

tial Electors. The popular enthusiasm with which he was every where received was without example. From New York he went to Boston, then returned to the South, and after remaining some time in each of the principal cities, he went to Yorktown, in Virginia, in October, to celebrate the anniversary of the surrender of Cornwallis. In every city, hotels and equipages of the most costly style were provided for him; and warm and complimentary addresses were made to him by the principal men of the land. A touching spectacle was presented in this unbought homage bestowed on a man for his zeal in the cause of independence, nearly fifty years after it was rendered, and when he no longer retained his rank, fortune, or station.

Congress assembled, according to adjournment, on the seventh of December; and the same day the President sent his opening message.

In this, his last annual communication to Congress, Mr. Monroe eulogises the happy circumstances of the United States as to their system of government, the diversity of their climate and productions, the prosperity of their agriculture, commerce, manufactures, and navigation, and their friendly relations with foreign Powers.

He notices the footing on which the commercial intercourse both with France and England then stood, and that the Commissioners had settled the boundary under the sixth article of the treaty of Ghent. He regrets that no arrangement has been yet concluded between the two countries for the suppression of the slave-trade—Great Britain wishing that each nation should exercise the right of search in peace as well as war, to which the United States were not willing to consent. They were, however, willing to declare that trade piracy. But the

convention made with that view had not yet been ratified.

Our commerce with Sweden, Russia, the Netherlands, Prussia, the free Hanseatic cities, Oldenburg, and Sardinia, had been placed on a footing of perfect reciprocity. A convention, respecting the north-west coast of America, had been concluded with Russia.

With all other foreign Powers our relations were friendly. We have Ministers Plenipotentiary to the Republics of Colombia and Chili, and have received Ministers of the same rank from Colombia, Guatemala, Buenos Ayres, and Mexico. With Colombia a treaty of commerce has been formed.

Having experienced so much injury from the unsettled character of neutral rights, we had endeavored, by negotiation, to have these rights defined and acknowledged, with Great Britain, France, Russia, and other Powers; but as yet, no treaty had been formed on the subject.

The receipts into the treasury for the current year would be eighteen millions five hundred thousand dollars; which, after discharging the current expenses, and above eleven and a half millions of the principal of the debt, would leave more than three millions in the treasury.

The whole amount of the public debt, on the first of January next (1825), may be estimated at eighty-six millions, including seven millions for the purchase of the stock held by the Government in the Bank; so that we have a well-founded hope that the debts may be discharged in ten years.

The provisions made for the improvement of the navigation of the Mississippi, and other places, are in a course of execution. A board has been formed of three princi-

pal engineers, for superintending the survey and estimates of national roads and canals.

Our relations with the Indians had undergone no material change. The tribes in the Missouri and Upper Mississippi still continued to evince a hostile disposition. As this has, in a great degree, grown out of their wars with one another, measures had been taken to bring about a general peace among them. Many of the other tribes were making rapid advances in civilization. Under this liberal policy, there have been established for them thirty-two schools, containing nine hundred and sixteen scholars.

The operations of the navy, in protecting the commerce of the United States in the Mediterranean, and on the African coast for the suppression of the slave-trade, and for suppressing piracy in the Mexican Gulf, are detailed.

The current receipts of the post-office would exceed the expenditures.

He takes an especial notice of the visit of General La Fayette to the United States, and of the demonstrations of gratitude and affection with which he had been every where received. He dilates with feelings of just pride on the interesting spectacle that the reception of this ancient friend of the United States presented to the world. He delicately hints that his claims on the Union should be met in a generous spirit, and the attention of Congress is invited to the subject.

He expresses a lively interest in the struggle which the Greeks are now making, and strong hopes of their success.

The contest between Spain and her American colonies he regards as virtually at an end. He again adverts to the interest the United States have in opposing the inter-

ference of European Powers in the concerns of those new Governments; and says, that some of the Powers with whom we enjoy a friendly intercourse appear to acquiesce in these views.

He regards a military post at the mouth of the Columbia, on the Pacific, as required for our increasing commerce and fisheries in that sea; and to the trade and peaceful intercourse with the Indian tribes.

The preceding view of the condition of the United States at once suggests cause for national exultation, and imposes weighty duties for cherishing and maintaining the sources of such rare prosperity. With this view, he dwells on measures of a conservative character.

He takes his leave of the Legislature with warm expressions of gratitude for the honor and proofs of confidence he had received from his countrymen, and with prayers for the continued prosperity of his country.

On the same day,<sup>1</sup> a report from a committee unanimously concurred as to the mode of receiving General La Fayette, and of testifying the high gratification which his visit to the United States had afforded: that the committees of the two Houses, on a conference, have recommended that each House of Congress receive General La Fayette in the way which they deem most suitable: and they offer two resolutions — one, that he publicly receive the congratulations of the House on his visit, with assurance of the gratitude and respect felt by that body for his illustrious services; and the other appointing the time and manner of his introduction.

A committee of twenty-four was accordingly appointed to wait on him. On the ninth of December, he was received by the Senate. The committee, by their Chairman, thus addressed that body: "We present General

<sup>1</sup> December 7th.

La Fayette to the Senate of the United States:" on which the President of the Senate said: "On the part of the Senate I invite you to take a seat:" when the Senate adjourned, and the members individually paid their respects to him.

His reception in the House was more impressive. It took place the next day. The members were all standing, and uncovered, to receive him; and he was addressed by the Speaker, Mr. Clay, after he had been formally introduced by the committee, in very glowing language; and adverting to the changes and advances made by the country whose independence he had aided in achieving, he said, "You are, General, in the midst of posterity. Every where you must have been struck with the great changes, physical and moral, which have occurred since you left us. In an entire devotion to liberty, we are unaltered."

The General made an appropriate reply; and after expressing his obligations to the United States, and their astonishing growth, "Here, too, Mr. Speaker, posterity has not begun for me, since, in the sons of my companions and friends, I find the same public feelings, and, permit me to add, the same feelings in my behalf which I have had the happiness to experience in their fathers." After his speech was concluded, the House adjourned, and the members, introduced by the Speaker, paid their respects to him individually.

When the vote from Louisiana reached Washington, thus making the election returns complete, it appeared that Andrew Jackson had received ninety-nine votes; John Quincy Adams, eighty-four; William H. Crawford, forty-one; and Henry Clay, thirty-seven.

It was then expected that either General Jackson or Mr. Adams would get a majority of the States. But the

friends of Mr. Crawford had not yet given up the contest. It was represented in the newspapers that his health was improving; and to confirm that impression, his official report was published in his name, though it was, in fact, prepared by his friend, Mr. Forsyth, from Georgia, and, like himself, a Virginian by birth.

The managing and intriguing portion of both Houses of Congress were busy on the occasion; and while they could not influence members in the first ballot they should give, either from the individual preferences of the members, or from the instructions or votes of their States, efforts were made to secure their votes on a second ballot, which was confidently looked for. Thus Mississippi, represented by Mr. Rankin, had voted for General Jackson, and on the first ballot, he would feel himself bound to represent the voice of his State; but, on the second, he was expected to vote for Mr. Crawford, who had long been the candidate he individually preferred. The delegation of North Carolina was similarly circumstanced, and a majority of them were known to prefer Mr. Crawford. He had many warm and active friends in several other States, and it was hoped that their number might be increased in the conflict between the other candidates. It was, indeed, thought probable that most of the friends of General Jackson would prefer him to Mr. Adams, and it was not doubted that most of Mr. Adams's friends would prefer him to General Jackson.

As, however, the session advanced, and the sentiments of the members were better known, or could be more confidently inferred, the probabilities in favor of General Jackson increased, until it at length seemed certain that, of the twenty-four States, he could count certainly on thirteen. One of these thirteen, however, was the vote

of Kentucky, whose Legislature had instructed her delegation to vote for him; and though it was doubted whether Mr. Clay would feel himself bound to regard that instruction, against what was known to be his own convictions and inclination, it was not doubted that a majority of the delegation would feel itself so bound, and that would decide the vote of the State. This calculation, however, proved fallacious, as we shall see, and the vote of Kentucky was decisive of the election.

After the meeting of Congress, while the chances in favor of General Jackson's election apparently went on improving, till at last no rational doubt was entertained on the subject by all parties,—even then there were occasional intimations from some of the Kentucky delegation that the members of that State were embarrassed about their vote. On the one hand, they said that General Jackson, though the Legislature of the State had declared in his favor, had passed a censure on the Kentucky troops who were at the battle of New Orleans; and on the other, Mr. Adams had been willing, at the treaty of Ghent, to surrender the navigation of the Mississippi to Great Britain; and the vote for Mr. Crawford was out of the question, from the state of his health: when, one morning, about three weeks before the election was to take place, it was announced that Kentucky would vote for Mr. Adams, and that this vote would probably be decisive of the election. It seems that the evening before, the delegation from that State had met in consultation, when it appeared that, of the fourteen votes given by that State, eight were in favor of Mr. Adams, and six in favor of General Jackson.

The election took place on the ninth, and on the first ballot it appeared that John Quincy Adams received thirteen votes; Andrew Jackson, seven votes; and Wil-

liam H. Crawford, four votes: so that Mr. Adams obtaining a majority of the whole number, was declared duly elected.

The States which voted for him were the six New England States, New York, Maryland, Kentucky, Ohio, Illinois, Louisiana, and Missouri.

Those which voted for Jackson were New Jersey, Pennsylvania, South Carolina, Tennessee, Indiana, Alabama, and Mississippi.

Those which voted for William H. Crawford were Delaware, Virginia, North Carolina, and Georgia.

Mr. Webster and Mr. Randolph were appointed to announce the result to the House, which was done by them with a slight verbal difference — Mr. Webster stating that the several candidates had received so many *votes*, and Mr. Randolph that they had received the votes of so many *States*.

On the announcement of the result, there was a slight, but distinct, applause in the gallery, which was followed by a hiss. The indecorum was promptly reprov'd by an order to clear the gallery.

As soon as it was known that the majority of the Kentucky delegation were to vote for Mr. Adams, Mr. Clay, to whose influence the vote was attributed, became the theme of vituperation. He was said to have given his vote to Mr. Adams, under the expectation of being his Secretary of State; and circumstances of the most trifling character were relied on as proof of this violation of the wishes of Kentucky, in furtherance of his own ambitious or interested views. He was even directly accused in the newspapers, by George Kremer, of Pennsylvania. The charges having first been made anonymously, Mr. Clay published a card in the newspapers, declaring the charge to be an infamous falsehood. On

which he, in the character of Speaker, on the third of February, brought the subject to the notice of the House, and asked for an investigation: on which Mr. Forsyth hoped the Speaker's address would be entered on the Journals, and be referred to a committee of nine members, to be chosen by ballot. This gave rise to much debate, in which the friends of the Speaker were in favor of the motion, and those opposed to him resisted it on the ground that such an inquiry leading to no result, was unworthy of the House.

The discussion was renewed the next day, and after a vehement debate, the motion of Mr. Forsyth was carried by one hundred and twenty-nine votes to sixty-nine;<sup>1</sup> and on the fifth the committee was appointed, who consisted of Messrs. Barbour, Webster, M'Lane, Taylor, Forsyth, Saunders, and Rankin.

A few days afterwards — the ninth — they reported that they had met, and had written a letter to Mr. Kremer, informing him that they would be ready to receive any evidence that he had to offer; to which he replied at length, that, after due consideration, he could not, consistently with a regard to his duty to himself, place himself before the committee in either of the attitudes indicated by their note. He denies that they have any right to hold him responsible for a letter which he had written to communicate information to his constituents; and he declines, from a sense of both prudence and duty, from appearing in the character of an accuser.

The committee say that they could take no further steps. They know it is competent for the House to invest them with the power of sending for persons and papers; and if they knew of any reason for such investigation, they would have asked to be clothed with the

<sup>1</sup> Annals of eighteenth Congress, second session.

proper power; but not having themselves any such knowledge, they have felt it to be their duty only to lay before the House the communication they have received.

From the time it was understood that Kentucky would vote for Mr. Adams, every one expected that Mr. Clay would be Secretary of State—not because there had been any such arrangement agreed on, but because there was no one who could bring such an accession of strength to the Administration; and because, moreover, Mr. Adams would naturally be disposed to give the most honorable place at his disposal to him who had contributed so materially to his election. Yet, as he afterwards did accept this appointment, as had been predicted by Mr. Kremer, it made an impression on the popular mind, countenanced as it was by so many disappointed politicians, the friends of the other candidates, that it was found impossible to eradicate it.

The suspicion was further strengthened by the officious intermeddling of intriguers who were anxious at once to see Mr. Clay Secretary of State, and General Jackson President, and who sounded General Jackson as to his willingness to give Mr. Clay this appointment. He had previously made up his mind to offer that place to Mr. Adams, in case he was elected, as he felt under great obligations to him for his able defence of his course in Florida; and he was a man not likely to forget a friend or an enemy. He therefore refused to make any such provision, alleging that he would go into the office untrammelled, if he went into it at all. From these overtures, which he too hastily concluded were known and approved by Mr. Clay, he came to the conclusion, as he subsequently declared, that if he had consented to make Mr. Clay Secretary of State, he could have been elected

President without any difficulty; and he as readily inferred that the offer which he had rejected had, in like manner, been made to Mr. Adams, and been accepted.

Against these surmises and conjectures there was a mass of positive testimony, in a case in which positive testimony is generally deemed not necessary. Most, if not all, of Mr. Clay's colleagues testified that they had no agency in making any such arrangement. Mr. Markley, who had spoken to General Jackson on the subject of appointing Mr. Clay his Secretary of State, declared on oath that he acted without Mr. Clay's authority or privity. It further appeared that Mr. Clay had previously declared to some of his friends, both before he left Kentucky, and subsequently, that if he should be called on to select between Mr. Adams and General Jackson, he should give the preference to Mr. Adams; and, indeed, the same thing was inferred by all who knew his sentiments of the two men. Though there were many points in Mr. Adams's character which were uncongenial with his own, he regarded that experienced statesman as better qualified than General Jackson, and as having the advantage in temper and prudence; besides, General Jackson had so warmly resented Mr. Clay's disapproval of his course in Florida, that they were not on speaking terms; and personal good or ill feeling must always be expected more or less to influence the public conduct of men. Nor could he have voted for General Jackson without contradicting all his previous declarations concerning him, or subjecting his motives to suspicion on much more plausible ground than existed in the case of the vote he actually gave.

Nor was there ever a case in which a previous formal arrangement was less necessary. Public opinion as confidently expected Mr. Clay to be Mr. Adams's Secretary

of State, as it had pointed to Mr. Madison for the same office when Mr. Jefferson was made President.<sup>1</sup>

It is likely enough that, after the vote of Kentucky was decided, the members of that delegation who had gone counter to the voice of that State, as declared by the Legislature, may have felt particularly desirous that Mr. Clay should receive what has been commonly regarded as the second most honorable office, by way of reconciling their constituents to their vote, and that they might have expressed their wish to Mr. Adams, or some of his friends; but this was after the decisive step had been taken by Mr. Clay and themselves, from which he, at any rate, could not have receded without subjecting himself to the most injurious suspicions; but further than this it seems impossible that they could have gone.

After the election, Mr. Clay, so far from being disposed to avail himself of the profitable bargain he was accused of making, was unwilling to accept the office; and he afterwards told a friend, that it was one of the few occasions in which he had adopted the course recommended by his friends, against his own judgment: but they were clamorous for him not to deprive them of the benefit his acceptance would give them in Kentucky, nor, by refusal, appear to desert them, and to signify that he disapproved of the election of Mr. Adams as well as of General Jackson. He therefore yielded to their wishes, instead of which, had he followed the dictates of his own excel-

<sup>1</sup> It is remembered by the writer of these pages, that when he was informed of the determination of the Kentucky delegation (by Mr. Edwards, of Connecticut), in a jocose remark, that the first man Adam was made of *clay*, he immediately turned to Mr. Fuller, of Massachusetts, and said, "Then, I presume, Mr. Clay will be the Secretary of State." He said he supposed so. And such, according to my recollection, was the universal impression, for the reasons I have mentioned, and not because it had been stipulated.

lent judgment, it was generally thought and declared that nothing could have hindered his success at the next election; whereas, by the opposite course, he found it impossible ever to attain it afterwards.

It would be doing injustice to Mr. Clay not to attend to his own vindication. This was properly made to his constituents, in a letter addressed to them from Washington, on the twenty-sixth of March, 1825.

He states that, as soon as it appeared probable that there would be no election of President by the people, and before he left Kentucky, he stated to his friends — Dr. Drake, of Transylvania University, and John J. Crittenden, of Frankfort — his determination to support Mr. Adams, in preference to General Jackson. He also, when he expected the vote of Louisiana, and consequently that he would be one of the three returned to the House, expressed his resolution to Mr. Johnston not to allow his name, in consequence of the small number of votes he had received, to constitute an obstacle to an election by the House.

He speaks of the court paid to him while his vote was uncertain, by some of the friends of all the returned candidates. "I seemed," he says, "to be the favorite of everybody. Describing my situation to a distant friend, I said to him, 'I am enjoying, whilst alive, the posthumous honors that are usually awarded to the venerated dead. A person, not acquainted with human nature, would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more, or warmer manifestations of those sentiments of esteem and admiration, than some of the friends of General Jackson.'" But while they were impatient for him to declare his choice, he thought himself bound to use deliberation.

This reserve supplied aliment to newspaper criticism. He was assailed in every way, from Boston to Charleston. Then came Mr. Kremer's letter to the *Columbian Observer*. He felt he could no longer be silent. He issued his card. This was followed by another card from Mr. Kremer, in which he avowed himself the author of the first letter. He said he was able and ready to substantiate the charges against him. He took his resolution, and resolved to bring the matter before the House. Mr. Kremer declared to Mr. Brent, of Louisiana, and to Mr. Little, of Maryland, that he had not meant to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams as President, or that he had transferred, or could transfer, the votes or interests of his friends. He adds that a letter was conveyed to him, during the discussion, through a member, to ascertain if he would be satisfied with an explanation which was put on paper and shown, and which it was stated that Mr. Kremer was willing, in his place, to make. He replied that the matter was in the possession of the House. Mr. Kremer was also about to make an atonement the next day, when an adjournment was moved to prevent it. He then adverts to the appointment of the committee, and Mr. Kremer's refusal to sustain his accusation, as has been narrated.

Mr. Clay finally assigns the reason for his vote. He argued, in the first place, that the plurality of votes received by General Jackson, should have no decisive, but only a qualified influence. For Mr. Crawford he could not vote, not merely from the small number of votes he obtained, but from the state of his health, which had been so long and so seriously affected. In qualifications, he regarded Mr. Adams as General Jackson's superior, in the character of statesman, as well as in prudence, tem-

per, and discretion. He does ample justice to General Jackson's merits and services; but he thought that impulses of public gratitude should be controlled by reason and discretion. In Mr. Adams's election, he saw no dangerous example; he saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe.

He felt desirous of complying with the request of the Legislature, if he could have done so consistently with paramount duties. There was no evidence that it was the prevalent wish of the people of Kentucky that General Jackson should be elected. A respectable portion of his own constituents, who alone were competent to give him instructions, had requested him to act according to his own judgment in the matter; and it was said to express the sentiments of a majority of his constituents. He did not recognise the right of the Legislature to instruct the Representatives; he recognised it only in the people of the Congressional district.

The relations in which he previously stood to Mr. Adams constitute the next ground of accusation. Mr. Clay admits that he was not, at first, in favor of his election; neither was he in favor of General Jackson, or Mr. Crawford. He shows that the points of difference between him and Mr. Adams, as to the negotiation at Ghent, involved no serious imputation on him. He thought that Mr. Adams had fallen into some errors, which he admitted to be unintentional, both as to facts and opinions relative to the navigation of the Mississippi and the fisheries, and the part which he (Mr. Clay) bore in those transactions; and that he even then expressed his doubts about the propriety of saying any thing, but decided that he would, at some future day, give the requisite expla-

nation. He was afterwards associated with him and Mr. Gallatin in a further negotiation with the British Government, which was inconsistent with a belief that Mr. Adams had been false to the interests of his country; and there always has been an interchange of the courtesies and hospitalities of social intercourse. After noticing a long letter from General Jackson to Mr. Swartwout, of New York, written immediately after they had been together in Washington, and seemingly for the purpose of affecting his (Mr. Clay's) nomination in the Senate, he concludes by an eloquent appeal to his constituents, whom he had represented most of the twenty years he had been in public life.

The injurious imputation, however, being once made, there were too many interested in maintaining and diffusing it, for it to be overcome by any force of negative or circumstantial evidence, or any protestations of Mr. Clay, or his friends; and it is supposed to have—at all subsequent times when Mr. Clay was brought forward for the office of President by his warm and numerous friends—influenced many of the votes given against him.

It is deeply to be regretted that one who had rendered such signal services to the nation should seem to be so ill-requited; but it is consolatory to think that he outlived the calumny, and when no longer in the way of political aspirants, or their friends, he had the general acquittal of the nation.

At this session, Congress made a public donation, which reflected honor on the donors and the receiver. They gave, by a vote approaching to unanimity, to La Fayette, two hundred thousand dollars in six per cent. stock, and a township containing twenty-three thousand

acres of land in Florida, which some estimated to be worth ten dollars per acre.<sup>1</sup>

A scheme had been some time agitated, of connecting the Chesapeake and Delaware Bays by a canal through the State of Delaware large enough for the passage of vessels of considerable burden; and on the question of appropriating money by the United States in aid of its execution, it encountered strenuous opposition by those who denied the right of Congress to construct roads and canals, and also their power to appropriate money for any purpose which was beyond the constitutional limits. There were, however, some who agreed with Mr. Monroe in the power of Congress to appropriate money for any useful national purpose, though they had none to effect such objects directly, which could be done only by the States; and thus the appropriation was carried by one hundred and twelve votes to seventy-four.

A message was received from the President, on the twenty-seventh of January, calling the attention of Congress to the condition of the Indians residing within the respective States, and particularly of those within the limits of Georgia, which the United States had agreed to use their efforts to remove, as one of the conditions on which the public lands within the limits of that State had been ceded to the General Government, and which Georgia had loudly and repeatedly complained had not been done by the Government.

Mr. Calhoun, as Secretary of War, made a full report on the numbers, and other particulars, of these tribes of Indians. The whole number within the limits of the several States and Territories was estimated to be one hundred and twenty-nine thousand two hundred and

<sup>1</sup> This proved to be too high an estimate.

sixty-six, of whom fifty-three thousand six hundred and twenty-five were in the States of Georgia, Alabama, Tennessee, and Mississippi. These consist of Creeks, Cherokees, Choctaws, and Chickasaws; and they claim upwards of thirty-three millions of acres.

Some time was spent, at this session, in investigating the claim of Beaumarchais, which now excited interest not only from its connection with the American Revolution, but also from the frequency of its failure in Congress, after reports in its favor.

In the final adjustment of Beaumarchais's account for military supplies furnished during the Revolution, the United States insisted on a credit of a million of livres received by him of his Government in June, 1776; but as he contested this credit, it became the ground of a claim to that amount, with interest, by him in his lifetime, and after his death by his daughter and heir.

The item of credit thus originated. In 1783, Dr. Franklin, in a species of treaty, formally acknowledged that the United States had received from the French Government, besides various loans, nine millions of livres as a gratuity, to wit: three millions before the treaty of 1778, and six millions in 1781. But it subsequently appearing, in the accounts of the United States' banker in Paris, that he had given credit for only two millions before 1778, it was stated, on inquiry, that the million in question — often termed "the lost million" — had been paid on the tenth of June, 1776, on account of the United States; but the French Ministers refused to give a copy of the receipt, or even to state to whom it was paid, adding, for their justification, that, as it was before M. Grand was appointed banker of Congress, and before Dr. Franklin's arrival in Paris, it could not involve their responsibility. Dr. Franklin at first con-  
jec-

tured that this "lost million" might have been the money advanced by the Farmers-General; but finding himself mistaken in that, he suggests that it had been received by Beaumarchais, and was a secret of State not to be inquired into.

After the Revolution in France, the new Government no longer having any scruples about disclosing this early aid to the Americans, gave up a copy of the receipt, by which it appeared that the money was received by Beaumarchais; and it was considered to be, to that amount, a fair set-off to the supplies furnished by him. Beaumarchais, on the other hand, insisted that the money had been used by him not for the purchase of supplies, but for secret political services, for which he had accounted, as his receipt required, to his Government.

In the applications to Congress for the money alleged to be thus unjustly withheld, two Attorney-generals had advised the payment of it; and of the six reports on it by successive committees of Congress, three had been favorable, and three adverse. The President had, at the present session, brought it to the notice of Congress; and on its reference to a select committee, it made, by its Chairman, a detailed report<sup>1</sup> of the documents and evidence relative to it.

According to that report, there was a preponderance of evidence that the million of livres had been expended by Beaumarchais in the purchase of military supplies; but that, inasmuch as the French Government, by their Ministers to the United States, had officially sustained the allegation made by Beaumarchais, that the money was expended in secret political services, to the satisfaction of his Government, the committee think that, under the circumstances, it does not become the United States

<sup>1</sup> Annals of eighteenth Congress, Vol. I., second session, page 1530.

to dispute this point: that the only evidence against Beaumarchais is derived from the declarations of the French Government, and if we take the whole of those declarations together, then he is not fairly charged with this million: and that we cannot, "consistently with our honor or self-respect," pay off an undisputed debt with a doubtful and disputed gift. They conclude with offering a resolution that the claim be adjusted in the pending negotiations between the two Governments.

The subject was fully discussed in Committee of the Whole by Messrs. Livingston, Clay, Farelly, and Tucker of Virginia, the Chairman of the Committee; and opposed by Messrs. Dwight, Livermore, Cambreling, and Randolph. But the claim was again unsuccessful. The Committee having risen, the House refused it leave to sit again, by ninety-one votes to sixty.<sup>1</sup> It was, however, subsequently settled, in the treaty negotiated by Mr. Rives, in 1835.

Time, which does so much to obscure historical facts, but occasionally elucidates them, has lately cleared away much of the uncertainty in which this affair was involved. In a recent biography of Beaumarchais,<sup>2</sup> it is confidently asserted that the million received by him in June, 1776, was intended for the purchase of military stores, and was so used by him: that not only this money was intended for his personal benefit, to compensate him for his services in the American cause, but also another million received from the Spanish Court in August, 1776, and a

<sup>1</sup> Annals of eighteenth Congress, Vol. II., first session, page 2597. With great regret I state that we must now take leave of these Annals, to which I owe so much, and which I must regard as the most valuable contribution that has been made to the political history of the United States.

<sup>2</sup> Beaumarchais et son temps, Tome II., page 201.

third paid in different sums (*par fractions*) during the year 1777: that these three millions were not sufficient to indemnify him for his losses from captures by English cruisers, and from the depreciation of paper-money received in Virginia and South Carolina, to which States he had made large shipments of military stores: and lastly, that it had been the purpose of the Ministry thus to indemnify him, either from their sense of honor and justice, or because it was so agreed when he undertook the office of a secret agent. By these facts, his claim before Congress seems to be amply sustained.

The third of March terminated the eighteenth Congress, and Mr. Monroe's Administration. It was memorable for the acquisition of Florida; for great pecuniary embarrassments in the mercantile community, from the reaction of the unwonted prosperity which had succeeded the war with Great Britain; and, more than all, for the introduction of the question of slavery into the politics of the Union, so as to divide the States geographically—which institution the sympathies and opinions of the Northern people partially assailed; and the best interests of the Southern, both pecuniary and social, urged them to defend at every hazard. This question, thus started, has, with occasional intermissions, proved a source of social discord ever since, and sometimes seems to threaten the continuance of the Union.

Mr. Monroe's Administration was, moreover, remarkable for another fact. Those who had had an agency in achieving the independence of the country, and in constructing the present Federal Constitution, and who had naturally constituted the class from whom the Presidents had hitherto been chosen, had now passed away, and the experiment was to be made of how this im-

portant part of the Constitution would work, when it was required to make a selection, from millions of citizens equals in rank, rights, and privileges, of the one who should be elevated to the enviable rank of Chief Magistrate. We see the first result was to bring forward a greater number of candidates than had ever existed before; and that the expedient which had been previously resorted to, of a consultation by members of Congress, to produce concerted action, had been brought into disrepute, so that an election was thus devolved on the House of Representatives by the very jealousy which had been excited against that body—a mode of election that every one considered to be dangerous, and, on many accounts, objectionable. We shall find that, to prevent the like result, other expedients have been since resorted to, that are scarcely less objectionable; and perhaps it is not possible to devise any that is not subject to more or less abuse, or which does not occasionally thwart some of the fundamental principles of republican polity.

Mr. Monroe's Administration, though it was marked by no splendid achievement, or extraordinary public prosperity, was, on the whole, fortunate. Amidst the temporary difficulties of commerce and finance, the country steadily advanced in numbers and wealth; manufactures continued to improve, and thus to make some return for the price that ever must be paid for diverting capital and labor from the channels they would spontaneously take. He was cautious, temperate, discreet, avoiding coming into conflict with any strong interest or party; but, on the other hand, conciliating them when he could. It was hence that he received an unanimous vote, except from one Elector in New Hampshire, who thus manifested his independence, or singularity. In

the foreign relations of the country, the same prudent course was attended with the same happy results; and in this high situation, which seemed to many to be above his abilities, he verified the remark of Mr. Jefferson, that he was indeed slow; but give him time, and his judgment was infallible. He presented a striking illustration, that a well-regulated moral conduct, prudence, industry, and perseverance, with a sensibility to character, do more to elevate man among his fellow-men than the mere powers of intellect.

## CHAPTER XXIV.

### JOHN QUINCY ADAMS'S ADMINISTRATION.

1825—1827.

BEHOLD now a man elevated to the Presidency, who was long thought to have the least chance for that honor of any of his competitors, and whose prospects, three weeks before, had been utterly eclipsed by those of General Jackson.

During the whole of the canvass, Mr. Adams's course had been cautious, prudent, and forbearing — pursuing the even tenor of his way, he scrupulously discharged the duties of the State Department, made daily entries in his diary, took his morning bath in the Potomac, and no casual observer could have seen any thing in his outward demeanor to indicate his political aspirations, or that thousands of New England men were in every State exerting themselves in his behalf—not, indeed, from any lively personal regard, which his cold and reserved manners were little calculated to excite, but for the honor of Yankee-land, as they are proud to denominate their portion of the Union.

Had Mr. Adams not received the vote of Kentucky, he still must have been elected, if, on subsequent ballots, his other friends had adhered to him, as Virginia would eventually have voted for him — there being twelve<sup>1</sup> of

<sup>1</sup> They were, according to my present recollections, Messrs. Archer, Basset, Garnett, Leftwich, Mercer, Newton, Rives, Stephenson, Stevenson, Taliaferro, Tucker, and Williams.

the twenty-three votes which preferred him to General Jackson.

On the fourth of March, 1825, Mr. Adams delivered his inaugural address.

He notices the extraordinary advancement of the United States, in the compass of thirty-six years, in unfolding its powers, and carrying "into operation its effective energies." That this bright picture has its shades, he admits; but from evil — physical, moral, and political — it is not man's destiny to be exempt. We have suffered, he remarks, from disease, from the wrongs of other nations, and from dissensions among ourselves — dissensions arising from different speculative views of government, from conflicting views of policy, from jealousies of partial and sectional interests. Yet, upon the whole, our great experiment has met with success equal to the most sanguine expectation. Of the two great political parties, the candid and just will admit that "both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices;" and that "both have required a liberal indulgence for a portion of human infirmity and error." He then adverts to one of the occasions of political dissension, the French revolution, and of the harmony that has lately prevailed. In general political principles, all are now agreed as to the limited sovereignties both of the General and the State Governments, frequency of popular elections, freedom of the press, and economy in public expenses. He exhorts all parties, in whom there are so many points of agreement, to banish all sentiments of bitterness and animosity.

He dwells upon the advantages of our government, in leaving mere local concerns, which are likely to make parties more violent and more permanent, to

the exclusive management of the State Governments. The separate functions of these and of the General Government require mutual respect, to promote the interests of all.

He then adverts to the Administration of his predecessor, on which he passes a high eulogy, for the ability and success with which it promoted all the great national objects, which he mentions in detail.

It will be his aim to follow in the track which that predecessor has marked out. He refers particularly to the subject of internal improvements, on the benefits of which he dilates with animation.

He adverts, in conclusion, to the circumstances of his election: "Less possessed," he says, "of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand more, and oftener, in need of your indulgence." He makes emphatic, but not boastful, professions of his purpose to discharge his arduous duties with diligence and zeal.

After he had delivered the address, and taken the official oath, he received the congratulations of the members of Congress, and others; and it was a grateful spectacle to see among them General Jackson, who, three weeks before, had no doubt of occupying the same position, go up and cordially shake hands with his successful rival. It had been previously observed throughout the whole ceremony, and during Mr. Adams's address, that he was never seen to exhibit the smallest symptom of emotion.

But from the hour that the votes had been given for Mr. Adams, it was the determination of all the friends of the defeated candidates to unite for the election of General Jackson at the next term. He and Mr. Crawford had been for some time estranged, from the idea

which generally prevailed, that Mr. Crawford had been his opponent in Mr. Monroe's Cabinet, and Mr. Calhoun his friend: yet a reconciliation was brought about by their friends, who had now a common object. Mr. Benton had formerly a personal rencontre, of a deadly character, with the General in Tennessee, so that the escape of either, considering that they both were armed with pistols and dirks, which they freely used, was most remarkable; yet the bitter feelings which such a contest left, in bosoms so prone to resentment, did not prevent a reconciliation. He had, in a publication, grossly insulted General Brown, and had sent a challenge to General Scott; yet all these animosities were appeased, and reconciliations took place. It was remarked that General Jackson had made up more quarrels at this session of Congress than most men had had during their whole lives.

The charge against Mr. Clay, of bartering away the vote of Kentucky and his influence on the members of Ohio and Missouri, was kept alive in the newspapers by all the arts which practised politicians resort to for the purpose of influencing public sentiment; and every circumstance which could be thought fit to afford evidence of a previous bargain or arrangement, was industriously hunted up to strengthen the impression already made. The people of his district, however, sustained him. A large majority approved his course, and manifested their approbation by electing, in his district, one of his friends, a supporter of the present Administration, and an opponent of General Jackson.

When Mr. Clay was nominated to the Senate as Secretary of State, a portion of that body did not hesitate to give countenance to the charge of his having acted corruptly, or, at least, of violating his duty in voting for Mr.

Adams. There were fourteen negative, to twenty-seven affirmative votes, and General Jackson was among the number of the former.

Mr. Richard Rush, of Pennsylvania, was appointed Secretary of the Treasury. He had been Minister to Great Britain, but was expected to return. James Barbour, of Virginia, was appointed Secretary of War. Samuel Southard, of New Jersey, and William Wirt, of Virginia, were continued in the offices of Secretary of the Navy and Attorney-general. Mr. Calhoun had been elected Vice-President by a very large majority of the votes.

One of the first public acts of Mr. Adams was to make a treaty with the Creek Indians in Georgia, called the Treaty of Indian Springs, for a cession of their lands, and for their removal west of the Mississippi. The tribe, however, was generally dissatisfied with the treaty, which they insisted was made without authority, and under the influence of corruption, in consequence of which they rose and murdered M'Intosh, Tustanaggee, and Hawkins, who had negotiated that treaty. The State of Georgia, however, denied that the treaty was obtained by corruption, and insisted that it should be carried into effect. With that view, the State, by its agents, actually undertook a survey of the lands which, if the treaty was valid, would belong to Georgia, by the terms of her cession to the United States of the territory within the States of Alabama and Mississippi.

The General Government, doubtful about the validity of the treaty, refused to sanction the survey, and ordered General Gaines, who commanded on that frontier, to protect the rights of the Indians until the question was finally settled. This officer used great caution and forbearance in his first acts, and endeavored to allay the

irritated feelings of the Creeks, and to induce them to acquiesce in the treaty; but finding them immovable, he entered into a correspondence with Governor Troup, of Georgia, who insisted on the execution of the treaty, and who further declared the purpose of the State to be to enforce it against all opposition. This language of the Governor induced the Government to give orders to General Gaines to prevent the threatened survey, if Georgia should persevere in making it. The course taken by General Gaines, in consequence of these orders, led Governor Troup to make a demand on the General Government for his immediate recall, his arrest, and punishment.

No State has shown itself more jealous of the interposition of the General Government, or more impatient of the exercise of its constitutional powers, when it clashed with her feelings or interests, than Georgia. Is this to be attributed wholly to temperament, which Mr. Jefferson alluded to when he spoke of the hot-headed Georgian, or is it in part owing to her position?—being at one extremity of the Union, she is less within the power of coercion of the other States, and it would require greater provocation from such a State to induce a resort to it.

In September, La Fayette, who had been every where received and entertained as the nation's guest, after having visited every State in the Union, and made two visits to Jefferson at Monticello, came to Washington to take a formal leave of the Chief Magistrate. On the morning of the seventh, he repaired to the house of the President, and there, in the presence of a crowd collected in the large hall, Mr. Adams addressed him in a speech in which he adverted to his early career in the United States, his eminent and disinterested services, and to the warm and affectionate feelings entertained for him by

the people of the United States; in conclusion, ranking him with the most illustrious names that France had produced, and with affectionate wishes for his future happiness. The General replied in his usual good taste, expressing his gratitude and unbounded devotion to the American Republic, and the American people.<sup>1</sup>

Commodore Porter, commanding a squadron sent to the Gulf of Mexico and the neighboring seas, for the suppression of the piracies then prevalent in those seas, and which found a ready asylum in the outports of Cuba and Porto Rico, was induced to land a force on the latter island, for the purpose of attacking and capturing some of those freebooters; which act, complained of by the Spanish Minister as a violation of the sovereignty of Spain, the United States readily disavowed, and a court-martial was accordingly ordered for the trial of the Commodore. He defended himself on the ground of the necessity of his course for the protection of the clear rights of the United States. The charges were, that he had disobeyed the instructions of the Secretary of the Navy, and that he had violated the territory of the King of Spain. He was found guilty, and sentenced to a suspension for six months.

At a meeting of the Legislature of Tennessee, in October, both Houses almost unanimously passed a resolution nominating General Jackson for the Presidency at the next election. He at the same time sent in his resignation as Senator from that State, assigning this nomination as one of the reasons for his resignation, as he considered that candidates for the Presidency should not be members of the National Legislature — of which he was the more sensible, from having lately been in that situation.

<sup>1</sup> XXIX. Niles's Register, for 1825, page 41.

The offer of the mission to England was made to De Witt Clinton, of New York, but was refused by him. Mr. Poinsett, of South Carolina, was appointed Minister to Mexico, and Mr. Everett to Madrid.

In the annual address of the Governor of Georgia—George W. Troup—he brings fully before them the case of the treaty with the Creeks at Indian Springs. In this message he comments with great freedom on the course pursued by the President, and examines what he calls the pretexts of that officer for opposing the survey of Georgia. He says that, but for the proposed reference to Congress by President Adams, the survey would have been made long ago. He passes severe censures on the agents of the General Government, and he denies the right of the President to excuse or justify his officer “in the violation of a law of the United States which he is bound to execute, because of any act, or supposed act, of the Governor which is in violation of the law.”

On the seventh of December, Congress received the President's opening message. Mr. Taylor, of New York, had been again chosen Speaker.

After some general remarks on the prosperity and peace of the country, he notices the foreign relations of the United States. In their commerce with other nations, their policy has always been liberal. They lay no prohibitions on imports, and they have denied themselves the power of taxing exports; and they have proposed to all nations an interchange of commerce on principles of equality, which has been partially accepted by Great Britain, and several other European nations. The removal of discriminating duties has indeed been limited to articles of the growth or manufacture of the country to which the vessel belongs; and he suggests that even this remnant of the restrictive system may be safely

abandoned. Propositions to this effect have been made to several Powers.

The convention of commerce and navigation with France having expired by its terms, has been continued by consent. The claims of our citizens for indemnity have been pressed as yet without effect. The same remark may be made of most of similar claims on other European nations.

The new Republic of Colombia has rendered satisfaction for the like claims, and has made a treaty of commerce and navigation with the United States. It is hoped that similar treaties, of a like liberal character, will be made with the other new Republics.

A general Congress of these Republics has been recommended to meet at Panama, to consult on their common concerns; and the Governments of Mexico, Colombia, and Central America, have already deputed Plenipotentiaries to such a meeting. The invitation has also been accepted by the United States.

The establishment of an uniform system of bankruptcy, and the organization of the militia, are also recommended to the notice of Congress.

The finances of the United States afford strong indications of their prosperity. The receipts into the treasury, for the current year, were more than twenty-one millions of dollars. Nearly eight millions of the public debt have been discharged.

The subscription authorised for fifteen hundred shares in the Chesapeake and Delaware Canal has been made.

By the act of Congress, passed at the last session, for the relief of purchasers of the public lands, the debts due on that account to the United States have been reduced from twenty-two millions to ten millions. They will

form an ample source of revenue, hereafter, for public improvements from the Atlantic to the Pacific.

Several suggestions are made for the better organization of the army. The Military Academy at West Point, and the school of instruction at Fortress Monroe, are strongly recommended.

Treaties with Indian tribes, either for cession of their lands, or for their removal from our settlements, are mentioned.

The treaty made with the Creeks at the Indian Springs, on the twelfth of February, 1825, was received too late to be ratified by the Senate under Mr. Monroe; but was afterwards ratified on the seventh of March. The subsequent transactions relative to this treaty will form the subject of a separate message.

The topographical engineers employed in making the survey for national roads and canals have been actively engaged in that service, and also in laying out a road from Washington to New Orleans; and some particular canals, and other public works, are also noticed.

A review of the pensions for revolutionary services is earnestly recommended, as they have opened a door to great frauds and impositions.

The services of the naval forces in different seas is briefly noticed; as is the visit of General La Fayette, which will form a pleasing incident in the annals of our country, giving to real history the interest of romance.

A squadron in the Mediterranean, and one on the Pacific coast, are strongly recommended. The efforts to suppress piracy and the slave-trade have had unexampled success. This protection to our foreign commerce can never be dispensed with.

In the post-office department, the receipts now somewhat exceed the expenditures. On the subject of public

improvements—knowing it was one about which there was a radical difference of opinion as to the powers of Congress—he dwells at great length; as well as on the establishment of a national university.

He adverts to the expense incurred by France and Great Britain for the promotion of science, and in voyages of discovery, as objects deserving our emulation; and alluding to the discovery of the Columbia River by an American, he recommends a military station on that coast, and a public ship for the exploration of the whole north-west coast.

The subject of weights and measures he thinks also deserves the attention and favor of Congress: also an astronomical observatory, to be connected with a national university; and remarks that while, in Europe, there are one hundred and thirty of these “light-houses of the skies,” in the United States there is not one. “Are we not,” he asks, “cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes?”

Adverting to the increase of population in thirty years, he suggests the separation of the Department of Foreign Affairs from that of the Interior, which have been hitherto united. The present construction of the Judiciary is also entirely inadequate to the exigencies of the public service.

He reminds Congress of their resolution, in December, 1799, to erect a monument to Washington in the Capitol.

In conclusion, he remarks that if they should believe that some of the objects which he felt it his duty to recommend appear to them to be beyond their constitu-

tional powers, no consideration should induce them to assume their exercise. But if the specific powers to lay and collect taxes, to regulate commerce, to fix the standard of weights and measures, if these and others "may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the culture and encouragement of the mechanic and the elegant arts, the advancement of literature, and the progress of the sciences—to refrain from exercising them for the benefit of the people, would be to hide in the earth the talent committed to our charge, would be treachery to the most sacred of trusts."

Enlarging, then, upon the spirit of improvement which is abroad, and on the numerous benefits it is ever conferring on mankind, he reminds them that liberty is power, and that the tenure by which man holds this power here, is to improve his own condition and that of his fellow-citizens. Then remarking that, "while foreign nations, less blessed with freedom than ourselves, are advancing with gigantic strides in the career of public improvement, were we," he asks, "to slumber in indolence, or fold up our arms, and proclaim to the world that we are palsied by the will of our constituents? Would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority?"

This very copious message, which had been prepared with great care, and which was altogether conciliatory, was very far from meeting with the favorable reception which was probably anticipated for it by its author. The open support given to the contested doctrine, that Congress has the power of making roads and canals, and of establishing universities, was deemed the more exceptionable, because, in asking whether we should be "palsied by the will of our constituents," he seemed to deny the

obligation of the Representative to obey those whom he undertook to represent. The message, too, was assailed by ridicule, as well as argument; and the phrase "lighthouses of the skies," became a perpetual theme of jest and derision. The propriety of the expression was questioned, and the message was maintained to exhibit as much bad taste in composition as of false doctrine in argument. Much of this censure, perhaps the most of it, may be traced to the settled purpose of the friends of the defeated candidates to overturn the administration of the man who, they said, had been foisted into office against the wishes of the people. Nor could he have written any message that would have escaped the criticism of his acute and predetermined adversaries; but to have ventured on the controverted points of the powers of Congress afforded not only a ready occasion of attack, but also an excuse for all those who had previously preferred him to General Jackson, but who now wished to abandon a losing cause, and to join those who were evidently in the ascendant.

In the warmth of Mr. Adams's philanthropical and patriotic anticipations from his plan of investing the proceeds of the public lands in national roads and canals, he seems not to have regarded the influence which the scheme might have on the character of the Government. But nothing could seem better calculated to verify Cæsar's maxim, "that with men he could get money, and with money he could get men," than this plan of appropriating the public lands to public improvements; for such improvements would add to the value and market price of those lands, and thus every expenditure would enlarge the means of further expenditure. In this way, the patronage of the General Government would be so extended, that it would make the checks of the State

authorities insignificant ; and according to the ordinary process of the growth of power, that of the General Government would be steadily increasing, and that of the States as steadily diminishing, sometimes by amendments to the Constitution, and sometimes by the mere assumption of the Federal Government, until at length all sovereign powers would be vested in that Government. It was, perhaps, then fortunate that this plausible scheme of national improvements, which proposed to give the great benefit of good roads and canals without taxes or tolls, should have been proposed by an unpopular Administration.

The Executive had now decided on appointing Envoys of the United States to attend the Congress at Panama. The primary subjects to be there discussed were :

To form a solemn compact, or league, by which the States there represented would be united in prosecuting war against their common enemy, old Spain, or any other Powers which should assist Spain in her hostile designs.

To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desired to hold with other Christian Powers.

To form a convention of navigation and commerce, applicable both to the Confederate States and their allies.

To consider the expediency of combining the forces of the Republics, to free the islands of Porto Rico and Cuba from the yoke of Spain, and in such case, to determine what contingent each member ought to contribute for this end.

To take measures for joining in a prosecution of the war at sea, and on the coasts of Spain.

To determine whether those measures should also be extended to the Canary and Philippine Islands.

To take into consideration the means of making effectual the declaration of the President of the United States, respecting any ulterior designs of a foreign Power to colonize any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American Governments.

To settle, by common consent, the principles of those rights of nations which are, in their nature, incontrovertible.

To determine on what footing should be placed the political and commercial relations of those portions of our hemisphere which have obtained, or which shall obtain, their independence, but whose independence has not been recognized by any European or American Power, as was the case, for many years, with Hayti.

This mission was thought to be a fair object of attack by the Opposition; and accordingly a resolution was offered in January, by Mr. Hamilton, of South Carolina, calling upon the President for information respecting that mission. When the subject was called up, it gave rise to long and animated debate; the members of the Opposition, for the want of some better ground of attack, seeking to give it a factitious importance, and its friends, of course, being ready to defend it.

In applications of this character, it is usual to leave the communication to be made discretionary with the President, according to his judgment of the effect it might have on the public interests; but Mr. Ingham, of Pennsylvania, moved an amendment, by which the President would be deprived of part of the discretion usually allowed; the majority, however, rejected the proposition, by ninety-eight votes to seventy-one: on which an amend-

ment to the resolution was offered by Mr. Webster, by which the President was requested to communicate such parts of the correspondence between the United States and the new States of America, respecting the proposed Congress, and such information as he may possess respecting its general character, as might be communicated without prejudice to the public interests; and also to what degree the agents of the United States were expected to take part in the deliberations of that Congress, with the like qualification—which amendment prevailed by one hundred and twenty-five votes to forty.

On the seventeenth of February, Mr. M'Duffie, of South Carolina, made an inquiry of the Chairman of the Committee of Foreign Relations, if he could inform the House whether any reply to the resolution respecting the Panama mission was to be expected, and if not, what were the reasons which induced the Executive to disregard the call of the House. Mr. Forsyth, the Chairman, replied that he was unable to give any information on the subject of the inquiry.

As the feelings of the members of the Opposition in the House were shared by those of the Senate, the same objections were there made to the Panama mission; and it was the fourteenth of March before they acted definitively on the subject. On that day, on the main question—the expediency of the mission—twenty-five voted for it, to nineteen against it: and the nominations of the Commissioners were sanctioned by still larger majorities.

On the fifteenth of February, Mr. Van Buren moved, in the Senate, that upon the question whether the United States shall be represented in the Congress of Panama, the Senate ought to act with open doors, unless the publication of documents referred to in debate shall be preju-

dicial to existing negotiations; which was carried by twenty-three votes to twenty.

That the President be requested to inform the Senate whether such objection exists to the publication of the documents communicated to the Senate; and if so, to specify the parts.

To these resolutions, the President replied that all the communications from him to the Senate relative to the Panama Congress have been, like other communications on Executive business, made in confidence, "and most of them in compliance with a resolution of the Senate requiring them confidentially. Thinking the established usage in such cases should be preserved unimpaired, he deems it his duty to leave to the Senate itself the decision of a question involving a departure, as he is told, without example, from that usage."

On which the Senate resolved, on motion of Mr. Woodbury, that the President's answer does not give to the Senate the information requested as to the publication of the documents. Also, that the Senate has the sole right to determine what shall be the rules of its proceedings, and the President cannot interfere with the same without violating its constitutional privileges. Also, that the Senate has the sole right to determine what are its existing rules of proceedings, whether founded on "usage," or positive written regulations; and that the President cannot officially decide what those rules are, or whether any proposed mode of acting is a "departure" from them, or whether it be essential to the public interest that some supposed "usage" of the Senate should be preserved unimpaired. Also, that it is incompetent for the President, on a call from the Senate, to decline giving information, whether the publication will be prejudicial, on

the ground that he disagrees to the mode of proceeding of the Senate.

On the question of the first resolution, there were twenty-four in favor of an indefinite postponement, to twenty against it. The vote was the same on the other three resolutions.

Mr. Holmes then referring to these proceedings, moved that the Senate not having been informed whether the publication would affect any pending negotiation, it is expedient to proceed to the discussion of the subject with closed doors; which gave rise to several amendments and motions. On the resolution that the Senate cannot, consistently with its duty, consider the expediency of appointing Ministers to Panama until it can receive the information necessary to enable it to determine whether the discussion of it should be with open or closed doors, and it was finally decided that though the Senate cannot find, in the answer of the President to their resolutions, any distinct information that the publication would, or would not, be prejudicial to existing negotiations; they find a strong objection on his part to the publication; and though the Senate have the right to publish communications so made, and to discuss the same with open doors, without the consent of the President, when they think the public interest requires such publication and discussion, they do not think the present circumstances require the exercise of this right, so far as to discuss them with open doors. Thirty-two voted for this resolution, and twelve against it — the minority being the most decided opponents of the Administration.

The question of the expediency of sending Ministers to the Congress at Panama was resumed, when it was moved, by way of amendment, that it was not expedient to send Ministers before it has received satisfactory in-

formation as to the subjects to which the attention of the Congress will be directed, the substance and form of the powers to be given, the mode of organizing the Congress, and the mode of action in deciding the questions; which was negatived by twenty-four votes to nineteen.

Mr. Van Buren then offered resolutions which stated—

First. The President's authority to nominate and appoint applies only to offices of a diplomatic character existing by virtue of international laws, and does not authorise the appointment of representatives to an assembly of nations like the proposed Congress.

Second. That the power of entering into new political associations belongs to the people of the United States, in their sovereign character, and is not within the constitutional power of the Federal Government.

Third. That the appointment of such deputies (waiving the constitutional power) would be a departure from that wise and settled policy by which their foreign intercourse has been regulated, and may endanger their friendly relations with Spain and other Powers.

Fourth. That the advantages of the proposed mission to Panama would be better attained by the attendance of one of our present Ministers near either of the Spanish Governments, but without being a member of that Congress, and without power to commit the United States.

These resolutions were also negatived by twenty-four votes to nineteen.

The votes were then taken on the appointment of Richard C. Anderson and John Sergeant, and carried—the first by twenty-seven votes to seventeen, and the last by twenty-eight votes to thirteen.

The Senate decided on making their proceedings public, by a vote of thirty-seven. It was also decided by a large majority (thirty-three votes), that the injunction

of secrecy be removed from the President's message of the twenty-sixth of December, relative to the proposed assembly at Panama, and from all Executive communications made and documents sent to the Senate, and all proceedings of the Senate, and that the same be printed.

On the fifteenth of March, the House of Representatives received a message from the President, in compliance with the resolution of the House of the fifth of February, relative to the proposed Congress at Panama. He transmits a report from the Secretary of State.

The objects in which the Ministers of the United States are expected to take part did not form the only, or even the principal, motive for the President's acceptance of the invitation. His first inducement was to meet in a spirit of kindness, the overture made in the same spirit by three sister Republics. The independence of the South American Republics was hailed with great unanimity by the people of this nation. Disregarding usual etiquette on such occasions, Mr. Monroe sent Ministers to the Republics of Colombia, Buenos Ayres, and Chili. It will be perceived that, in the first treaties concluded between some of these Republics, they stipulated this assembly at Panama. It was deemed better that the proposal should have come from them to us, than from us to them. If it had appeared doubtful whether any of the interests of the United States had been affected, he still should have felt bound to accept the invitation, which had been dictated by a deference to our experience. Instead of insulting them by a cold repulse, he would have accepted the invitation, had it been merely to explain our reasons for declining any proposal of specific measures.

But that objects of the highest importance, both to this Union and the whole human race, would engage the

deliberations of the Congress at Panama, whether we are represented there or not. Perhaps no opportunity so favorable will be presented to the United States to serve the benevolent purposes of Providence, as will now be afforded.

Among the subjects intended to be presented for discussion, there is scarcely one which will not deeply affect the interests of the United States.

It will be recollected that, at the close of the War of the Revolution, an analogous measure was adopted on behalf of these States, by the Congress of the Confederation. Three Commissioners, with Plenipotentiary powers, were appointed to negotiate treaties of amity, navigation, and commerce, with all the principal Powers of Europe. The only result of their negotiations was the treaty with Prussia, which is precious as a monument of the principles with which our country entered on its career as a member of the great family of nations. This treaty, conforming to the instructions given to our Plenipotentiaries, consecrated three fundamental principles of foreign intercourse. First, equal reciprocity; secondly, the abolition of private war upon the ocean; and thirdly, restrictions favorable to neutral commerce upon belligerent parties with regard to contraband of war and blockade. A painful experience has since demonstrated the importance of these principles, and illustrated their wisdom.

They were able to obtain the sanction of but one philosophical but absolute sovereign. Since then, a political hurricane has gone over three-fourths of the globe, leaving at least the American atmosphere purified and refreshed; and the new-born Republics ask for our advice upon these fundamental maxims.

The only causes of dissension between these new States and ourselves have been discriminations of com-

mercial favors to other nations, licentious privateers, and paper blockades. Their Governments have, however, shown a candid and conciliatory spirit. It will be a source of unfading glory to the United States, if it can induce the American nations to abolish private war upon the ocean. He adverts to Mr. Monroe's declaration, that the American continents were not, henceforth, to be considered as subjects for future colonization. Russia has never disputed these positions, and most of the new Republics have declared their assent to them; and they now propose to consider the means of making the assertion of that principle effectual. It is not the purpose of this Government to concur in any means that would involve this country in hostility. They would go no further than to a mutual pledge that no one of them would suffer colonies to be established on their territory. A concert of measures regarding the slave-trade, and the light in which the political condition of Hayti is to be regarded, are among the subjects mentioned by the Republic of Colombia. Whether the political condition of Hayti can be brought into discussion at all, may be a question of preliminary advisement. There have been strong reasons which have hitherto forbidden its recognition as a sovereign State by this Government; and its late acceptance of a nominal sovereignty under the *grant* of a foreign prince furnishes additional reasons. Our Plenipotentiaries will be governed by these views.

One of the objects of the belligerent States at Panama will be the invasion of Porto Rico and Cuba. All our efforts will be used to preserve the existing state of things.

The Congress at Panama is also believed to present a fair occasion for urging the just and liberal principles of religious liberty; not by any interference in their inter-

nal concerns, but by claiming for our citizens residing among them the right to worship their Creator in their own way. It has already been secured in some of the treaties made with them.

The assembly will be diplomatic, not legislative. Nothing can there be done to bind any State, without the express concurrence of its representatives, nor even then without the sanction of its authorities at home. It is, therefore, necessary that every subject should be previously and precisely specified.

He then adverts to the counsels of Washington against entangling alliances and unnecessary foreign connections; and points out the difference between the present circumstances and those to which Washington referred. From his very words, his counsels would be very different now. The United States now, like Europe then, has a set of primary interests; and her interference in our concerns should be withheld upon the same principles as we have not interfered with hers. The acceptance of this invitation is, then, in strict conformity with the advice of Washington; and he again refers to the declaration of Mr. Monroe against European interference with the new Governments on this continent.

To the question whether this meeting, and the principles it may adopt, may not give umbrage to the holy league of European Powers, it is deemed a sufficient answer that it can give no just cause of offence, and that the United States will stipulate nothing that can give such cause. The fear of giving umbrage to the holy league was urged as a motive for denying to the American Government the acknowledgment of their independence; but it was not influenced by that consideration. The United States "must still take counsel from their duties rather than their fears."

The invitation was accepted only on condition that the nomination of Ministers should have the approbation of the Senate; and the concurrence of the House in the requisite appropriations is equally necessary to its fulfilment.

A letter from the Secretary of State, reciting the part he had taken relative to the proposed Congress, and a great number of documents, consisting of conventions between the new States, and the diplomatic correspondence between the State Department and Ministers of the United States abroad, as well as foreign Ministers, accompanied the message; all of which sustain his several statements.

In a letter from Mr. Clay to Mr. Middleton, American Minister to Russia, dated in May, 1825, after urging the strongest reasons why Russia should use her influence with Spain to induce her to acknowledge the independence of her former colonies, he says that the United States are satisfied with the present condition of Cuba and Porto Rico, and do not wish to see it changed. It also appeared that this Government applied, through the Colombian Minister at Washington, to suspend the invasion of Cuba, urging, in support of it, the friendly intercession of Russia to bring about peace between Spain and the new Republics.

On the twenty-seventh of March, Mr. Wickliffe, of Kentucky, offered a resolution, which, after much discussion, was so amended as to request the President to transmit a copy of such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, of the twenty-eighth of September, 1825, as relates to a supposed *pledge* of the United States; and also to inform the House whether this Government has, in any manner, made any pledge to the Governments of Mexico and

South America, that the United States would not permit the interference of any foreign Power with the independence or form of government of those nations, and if so, when, in what manner, and to what extent? and also to communicate to this House a copy of the communication from our Minister at Mexico, in which he informed the Administration of the United States that the Mexican Government called upon this Government to fulfil the memorable pledge.

The President complied with the resolution on the thirtieth of March, by sending a report from the Secretary of State.

He says that no answer was transmitted from the State Department to Mr. Poinsett's letter of the twenty-eighth of September last: that this letter was received on the ninth of December; and that the answer to a previous letter from Mr. Poinsett, of the thirteenth of September, on the same subject, rendered any further reply to the last letter unnecessary. The general instructions to Mr. Poinsett are herewith sent.

The Administration has contracted no engagements, nor made any pledge to the Governments of Mexico and South America that the United States would not permit the interference of any foreign Power in their political concerns; nor have any instructions been given authorising any such pledge. The message of the late President, of December, 1823, is mentioned to Mr. Poinsett, and he is directed to impress its principles on the Mexican States. All apprehensions of the dangers to which Mr. Monroe alludes have ceased. If any attempt had been made to erect, upon the ruins of the free institutions of this continent, the monarchical system of Europe, the people of the United States would have stood pledged, not to any foreign Power, but to themselves,

and to their posterity, to resist such attempt; and it is to a pledge of that sort alone that Mr. Poinsett refers.

On the twenty-fifth of March, the Committee of Foreign Relations in the House of Representatives, to whom the President's message on the subject of the Panama mission was referred, made a report<sup>1</sup> on this engrossing topic.

After referring to the history of the proposed Congress, as has been already recited, they proceed to examine the objections to the attendance of Ministers of the United States at that assembly; and first, as to the constitutionality of appointing Ministers to that body, they can see no objection growing out of the Constitution, since the proposed Congress is mostly a meeting of diplomatic agents.

The second objection is, that the objects may be attained by separate negotiations with the several States. This they consider is manifestly an error. If the same objects could be attained by separate negotiations with States so remote and unconnected, they could be obtained more effectually, and more expeditiously, with the Ministers of the same States assembled in one place.

The third objection is, that the subjects of discussion, the powers of the Ministers, the modes of organizing the Congress, and of deciding the questions, are not yet sufficiently settled to justify our attendance. It seems that satisfaction was required by the President on these points; while the Committee think these details of no great consequence. As far as they are important, an omission to fix them is favorable to the United States.

The next objection is, that our attendance may put to hazard our neutrality. But if the recognition of the independence of these States, and our trading with them, is

<sup>1</sup> Register of Debates, for 1825-6, page 100.

no breach of our neutrality, so neither can our attendance at a diplomatic council of all these States united be a breach; besides, we should go as peace-makers and mediators, and our attendance is at least as desirable to Spain as to those States.

The next objection is, that our attendance may involve us in entangling alliances with the new States. To this, the answer is, that the project of such an alliance is expressly disclaimed by the President; in the next place, the Congress is neither a Government, nor a Confederacy of Governments, with which we could enter into an alliance; and lastly, if we were to enter on a negotiation for such an alliance, it must be submitted to the constitutional authorities for ratification.

If it be further objected that, from the nature of the assembly, there is danger that we may be drawn into an alliance, it may be replied that there is no greater danger than is incident to any mission to any power: besides, an alliance with any one would be full as entangling as an alliance with them all. They are all at war with the same enemy. They stand in an alliance defensive and offensive with each other. The same argument has equal force in requiring us to abstain from all diplomatic intercourse with these new States.

Another objection is, that the Congress is an unprecedented measure, and our attendance on it a novel and unprecedented step. The establishment of several assemblies at once may be unprecedented, but it is not seen that every political act of these Republics is therefore to be called unprecedented: on the contrary, it was natural that they should hold diplomatic conferences with each other. It is denied that there is any novelty in our attendance at the proposed Congress. It will be in con-

formity with our general usage in our diplomatic relations with other countries.

It may, lastly, be objected that, in a Congress of assembled Powers, there is something essentially pernicious; and the existing organization in continental Europe may be cited as an instance: but the pernicious character of the assembly depends upon the character of the Powers assembled. While a Congress of despotic Governments may be pernicious, it is not seen that a Congress of free Republics would be, in any degree, alarming; and if the objection be good, it would be impossible for the United States to maintain a single mission in Europe.

They then proceed to notice the subjects of discussion at the Congress. These were thus classed:

Those which were important to the new States, as among each other.

Or as between them and Spain, or of importance directly to us, in our connection with them.

The United States have an interest in all these subjects. The new Republics are liable to dissensions which may variously injure us in our commercial relations with them. Already a controversy about territory has arisen between Mexico and Guatemala. Another has arisen between Brazil and the Provinces of La Plata, for the possession of the Banda Oriental. This war has compelled us to send an additional naval force to those seas. We might be efficient, because impartial mediators.

In their relations with Spain, we should also act as peace-makers. We have already acted in that character, and endeavored to secure the dominion of Cuba to Spain. We are deeply interested in preventing the enacting of such scenes there as took place in San Domingo.

As to those objects which directly concern the interests of the United States, we have hitherto found diffi-

culty in adjusting them by treaty, and the difficulties in the way of such adjustment are precisely those which are likely to be removed at an assembly of all the new States.

Our attendance may have great effect in giving a character to the assembly itself; and the Committee do not foresee the possibility that the Congress can become an inconvenient or dangerous assembly; but whatever was its character, no Administration would be justified without taking measures for being promptly informed of its proceedings. If not invited, it had been their duty to send private political agents.

The Committee have considered the question on grounds of political expediency, but they accord with the President that a sufficient inducement would have been to meet an overture made by sister Republics in the same friendly spirit in which it was made. We have every motive for wishing to conciliate their good-will, and nothing that we value is thereby put to hazard. The Committee conclude with offering a resolution:

That, in the opinion of the House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress of Panama.

To this resolution, Mr. M'Lane proposed an amendment to this effect:

That the House, in expressing this opinion, do not intend to sanction any departure from the sound policy of this Government, that, in extending our commercial relations with foreign nations, we should have with them as little political connection as possible; that we should preserve peace, commerce, and friendship with all nations, and form entangling alliances with none. They therefore think that these United States ought not to be

represented at the Congress at Panama, except in a diplomatic character, and should form no alliances, nor should become parties to any joint declaration for preventing the interference of European Powers with their independence or form of government, or to any compact for preventing colonization on the American continent; but the people of the United States be left free to act as their feelings towards these Republics, and their own honor and policy, may dictate.

This amendment gave rise to a long discussion, which was continued the next day, and the amendment was carried by ninety-nine votes to ninety-four; and the next day, when the question was before the House, the resolution as amended was rejected by one hundred and forty-three votes to fifty-four—many of the friends of the mission voting in the negative with its opponents, because they objected to the amendment.

But on the question to appropriate money for the mission, it passed by a large majority—one hundred and thirty-four votes to sixty-two; and this appropriation also passed the Senate.

In that body, a report was made by a Committee, of which Mr. Macon was Chairman, which offered a resolution that the mission was inexpedient. After it had been repeatedly called up and discussed, Mr. Berrien, of Georgia, moved an amendment, similar to Mr M'Lane's, to the bill making appropriations for the mission, which was rejected by twenty-four votes to nineteen; and the question, then, on the engrossment, was carried by the same majority.

On the twenty-fifth of April, Mr. Wickliffe offered a resolution concerning the apparent inconsistency of the House in voting against the expediency of sending Ministers to the Congress at Panama (by the union of con-

flicting parties), and immediately afterwards, by a large majority, voting an appropriation to defray the expenses of that mission.

Thus a question of but little seeming moment as to the danger of involving the country in any foreign disputes, or of committing the United States to any course of foreign policy, but which had been discussed with as much warmth and earnestness as if it threatened their peace and safety, was brought to a close; and all the efforts used to thwart the course of the Administration, or to subject it to popular odium, seem to have been little furthered by the Panama question. So far as can be seen, the Administration neither gained nor lost by the extraordinary efforts made to give importance to that diplomatic project.

The varied and persevering efforts made by the Opposition to give undue importance to the mission affords a striking example of what is not uncommon in deliberate bodies, where the real motive is very different from the ostensible one, which distinguishes the factious partisan from the political zealot. The Opposition to the present Administration, consisting of the friends of Calhoun, Jackson, and Crawford, composed a formidable mass of talent, united probably with as much integrity as politicians usually have; but they justified themselves for descending to the measures of a mere faction by the conviction they generally had, that Congress, in giving a preference to Mr. Adams over General Jackson, had defeated the will of the majority, and that Mr. Clay, who had had the most agency in the election, had disappointed the wishes of the State he represented.

On the ninth of January, 1826, Mr. Lloyd, of Massachusetts, made a report<sup>1</sup> in the Senate, on behalf of the

<sup>1</sup> XXIX. Niles's Register, for 1825, page 331.

Committee of Commerce, on the subject of removing the discriminating duties.

The report examines the policy of these duties at length, and, after adverting to their influence in encouraging and enlarging the navigation of the United States, they say that while the abolition of those duties, as regards those who will reciprocate it, is in accordance with the enlarged principles of the present time, and will afford a new instance of the frank, liberal, and equitable views of the United States, it cannot be injurious to their interests; and therefore they report a bill, which authorises the President to suspend and discontinue the discriminating duties on the vessels of any foreign nation which has abolished them as against the United States.

In consequence of an application from the Committee on Indian Affairs to the Secretary of War, he prepared a plan for the preservation and civilization of the Indian tribes within the United States.

It takes a review of the past policy of the Government towards these people, and points to the causes of the want of success of their liberal efforts. It then proposes:

First. That the country west of the Mississippi, and of the States and Territories, be set apart for their exclusive occupation.

Second. That they be removed rather individually than by tribes.

Third. That a Territorial Government over them be maintained by the United States.

Fourth. If found practicable, the extinction of tribes be effected, and an amalgamation of them take place.

Fifth. To leave the condition of those who remain behind unaltered.

All of which are fully considered and recommended.

It deserves to be remarked, that the land lying between Lakes Huron and Michigan is a part of the territory proposed to be set apart for them, and to remain in their permanent possession. This now constitutes, however, the populous and thriving State of Michigan, which has more than once been near giving a President to the United States.

In consequence of a resolution of the House of Representatives, of the twentieth of December, the President, on the twenty-seventh, communicated to the House a correspondence between Mr. Addington, the English Chargé d'Affaires, and Mr. Clay, as Secretary of State, on the subject of the convention between the two nations for the suppression of the slave-trade.

In that convention, the ships of both nations were subjected to the mutual right of search; but the American Government being unwilling to allow the exercise of that privilege on the American coasts, and having stated the provision as an insuperable objection to the convention, the British Government had given authority to Mr. Addington to renew the convention without extending the right of search to America; and on being informed of this, the American Government acquainted Mr. Addington that the President meant to refer the whole subject to Congress.

The British Chargé then, on the third of March, 1825, inquired of Mr. Adams, then Secretary of State, what were the President's intentions on the subject.

On the sixth of April, 1825, Mr. Clay informed Mr. Addington, that the delay of a diplomatic answer to his proposal to remodel the convention had proceeded from a desire to ascertain the practicability of reconciling the views of the two Governments concerning it. With that view, the correspondence between them had been sub-

mitted to Congress, but neither House had expressed any opinion on the subject; but that, as in another convention (between the Colombian Government and the United States), the Senate refused its consent to the article allowing the right of search in any seas, the President infers that there is no probability that the British convention, even as proposed to be modified, would receive the ratification of the Senate. The President regrets that it is thus unnecessary and inexpedient longer to continue the negotiations on this subject, and urges that its failure arises in no respect from any unfriendly feeling towards Great Britain.

Another subject, which seemed well calculated to keep the public alive to the supposed disregard of the popular will in the late Presidential election, was an amendment to that part of the Constitution of the United States which governs the election of President. At this session, as well as the last, numerous amendments were proposed by members of the Opposition, all of them looking to the abolition of the right of the House of Representatives to make an election.

An elaborate report on the subject of these amendments was made in the Senate by Mr. Benton, and a bill was reported by him, according to the provisions of which the President and Vice-President were hereafter to be chosen, not by Electors, but immediately by the people, in August; and if it appeared, on counting the votes in Congress, to meet in October, that there was no election, then a second election, in December, of the two highest on the list; and if no election then, the House of Representatives to select one of these two. This was laid on the table, on the ninth of May.

Another set of amendments were proposed in the House, which were referred to a committee of twenty-

four, of which Mr. M'Duffie was appointed Chairman. He made an elaborate report on the subject, but the members of the committee were not able to agree upon any plan of amendment so as to reconcile the interests of the great and the small States, and the conflicting views and purposes of different parties and individuals.

Though the appointment of this committee failed of its ostensible purpose, it still had the effect of keeping the public attention alive to the fact that, under the existing Constitution, the will of the people had been defeated by the House of Representatives, and thus increased the unpopularity of Mr. Adams and his Administration.

On the seventh of April, Mr. Rowan, Senator from Kentucky, proposed an amendment to the Constitution of the United States, by which the power to pronounce any law of the States unconstitutional should be taken away from the Supreme Court, unless at least seven members of the Court concur. Each member was required to make out his opinion in writing, and spread the same upon record.

Also that, until otherwise ordered by law, such process shall be issued from the Courts of the United States as issue from the highest tribunals of the States.

The first amendment was rejected by twenty-one votes to twenty. The second was also rejected by thirty-four votes to seven.

Notwithstanding the constitutional objections to using the money of the United States for canals and roads, subscriptions were authorised at this session to the Louisville and Portland Canal, in Kentucky, and to the Dismal Swamp Canal, in Virginia. On the passage of the latter bill, nine of the delegation from that State voted for it, eight voted against it, and five were absent.

On the third of May, Mr. Minor, of Pennsylvania, was induced to offer a set of resolutions against the existence of slavery and the slave-trade in the District of Columbia, and proposed to refer the subject to a committee to consider whether the agricultural, commercial and manufacturing interests of the District would not be promoted by the substitution of a free white population in the place of the slave. On this subject, always interesting and offensive to one-half of the Union, the question of consideration was first proposed, when a large majority voted against considering it.

The Administration believing that the treaty made with the Creek Indians had not been duly authorised by them, negotiated another, which was concluded on the twenty-fourth of January, and was ratified by the Senate in April, by thirty votes to seven.

When the President transmitted the treaty to the Senate for their sanction, he gave a history of the first treaty, and the grounds of objection to it by the Creeks. Finding the execution of the first treaty impracticable, the Government had to choose between negotiating another treaty and war. The first mode was, on several accounts, preferred. He forbears to give any opinion on the manner in which the treaty of Indian Springs was negotiated.

By this treaty, the Creeks cede their lands in Georgia to the United States; and the Government agrees to pay two hundred and seventeen thousand six hundred dollars, to be divided among their chiefs and warriors, and also to pay a perpetual annuity of twenty thousand dollars.

The friends and followers of William M'Intosh, who negotiated the first treaty, having signified their wish to emigrate, the United States agree to purchase for them

a tract of country west of the Mississippi, if practicable; and if not, then in such place as the President may select. The emigrating party shall remove within twenty-four months, and the United States shall defray the expense of their removal.

In consideration of the efforts made by the followers of William M'Intosh to procure a cession of the Indian Springs, and of their past difficulties and contemplated removal, the United States agree to pay them one hundred thousand dollars if their number amounts to three thousand, and if not, in that proportion. The friends of M'Intosh are also to be indemnified for all damages sustained by them contrary to the laws of the United States. They are also to be paid for their improvements.

The United States guarantee to the Creeks all the lands they own, and have not specially ceded.

It was signed by James Barbour, in behalf of the United States, and by thirteen of the Creeks, who made their several marks.

It appearing that, by a small extension of two of the boundary lines to be run, the whole of the lands of the Creeks in Georgia might be embraced, for the sake of terminating this controversy with Georgia, a further negotiation took place, by which the Creeks agreed to the said extension for the sum of thirty thousand dollars; when a bill, appropriating sixty thousand dollars to defray the expense of the proposed emigration of a part of the Creeks, passed the House by one hundred and sixty-seven votes to ten. The members from Georgia all entered their protest against it, on the ground that the treaty at Indian Springs was duly made, and that the United States could not annul the rights which the State of Georgia acquired by that treaty.

When this bill came before the Senate, it being discovered or suspected that it was the purpose of a few of the chiefs to appropriate the money to themselves, an amendment to the bill was proposed, to defeat such a purpose; and the House not agreeing to the amendment, the subject remained unsettled. On a conference between the two Houses, an amendment was proposed, by which the money to be paid to the chiefs and warriors of the Creeks was to be distributed under the direction of the Secretary of War, in a full council of the nation; which amendment was agreed to.

Among the laws passed at this session, was one providing for paying to Mr. Monroe, late President of the United States, certain sums of money advanced by him while acting as Minister abroad; most, if not all of them being for expenditures incidental to his office. The bill was passed, not, however, without some harsh strictures on the application. The sum allowed by the House was exclusive of interest, which the Senate added by way of amendment—making the whole amount allowed, twenty-nine thousand dollars: but each House adhering to its course, nothing was done.

At the same time, another ex-President gave an example of his pecuniary difficulties. Mr. Jefferson petitioned the Legislature of Virginia to allow him to dispose of his property by lottery, which he would find it difficult to do by private sale, and which it was necessary he should effect, in justice to himself and his creditors. There had been many examples of similar indulgences by the Legislature of Virginia. The application was granted; tickets were accordingly prepared, and some sales were made; but while they were going on, his death put a stop to the proceeding, and a large part of the nation were disposed to relieve his estate, and assist his family, by

private contributions. The scheme was therefore abandoned, and the money returned to the purchasers of the tickets.

His death took place on the fourth of July, the day on which the Declaration of Independence, drawn by him just half a century before, was adopted; and what was further most remarkable, and greatly increased the public sensation at the singular coincidence, John Adams—one of the same committee who was appointed to draw that paper, and who, like Jefferson, had been rewarded with the highest honors in the gift of the people—died on the same day. This coincidence, so extremely improbable in the calculation of chances, furnished a ready theme for numerous orators in every part of the Union, who delivered addresses in honor of their memories.

Congress adjourned on the twenty-second of May to the first Monday in December.

During the recess of Congress, a convention of amity, commerce, and navigation, was concluded at Washington with Central America, on terms at once liberal and reciprocal.

The ports of each nation were opened to the ships of the other for every branch of commerce, except the coasting trade; and the merchandize of both, in the ports of both, was to pay the same duties, and be entitled to the same drawbacks on re-exportation; and the products of both were subject to no higher duties than the products of other nations. The rights of property were secured to merchants, and to representatives of decedents, and the rights of conscience to the inhabitants of one country residing in the other.

The ships of either party, when neutral, shall make the goods free, contraband goods excepted; enemies' property, however, only to be protected when they recog-

nize this principle. Neutral property found on board an enemy's ship shall be considered as the property of the enemy. The contraband of war is defined. Notice of blockades to be given, before they can operate against neutrals. Provisions for the mode of search to be made, by sending a boat on board the neutral. The neutral to have a certificate of its cargo, under the penalty of detention, and at the risk of forfeiture. The citizens of neither State shall take letters-of-marque, at the risk of being treated as pirates. No sequestration in the event of war. The parties to admit Consuls, and be exempt from taxes, except such as are paid by the citizens of the States. Deserters to be demandable, and to be given up to the Consuls.

The treaty to remain in force twelve years. In case any article is infringed, the injured party shall not make reprisals till after demand and refusal of satisfaction.

This treaty was ratified by the President on the twenty-eighth of October, 1826. It was signed by Henry Clay and Antonio Jose Canas, on the fifth of December, 1825.

Congress met on the fourth of December, and on the same day the President transmitted his opening message.

Our relations of commerce and navigation with France are in a course of steady improvement. They illustrate the benefits of reciprocity to both parties. But the prospect of indemnity for our losses remains in the same unsatisfactory condition.

With the Netherlands, there had been a complete abandonment of discriminating duties on both sides; but they were subsequently revived by that Government.<sup>1</sup> By the act of Congress of the seventh of January,

<sup>1</sup> The Netherlands insisted that theirs was not a discriminating duty. The President chose to submit the question to Congress.

1824, the discriminating duties are revived in the United States against those nations that enforce them against this country.

Treaties, on liberal principles of reciprocity, have been made with Denmark and the States of Central America. With all the other European Powers our relations are friendly. The commercial intercourse, however, between the United States and the British-American colonies remains as it was, without any relaxation of Great Britain's colonial monopoly, which she still refuses to change. He details the leading facts of the fruitless negotiation on that subject. Great Britain regards any trade with her colonies as a boon to other nations, while we regard it as a reciprocal benefit. The course taken by her leaves no other alternative to this country than that of regulating or interdicting altogether the trade on its part. The boundary questions with that Government are still unadjusted.

The Congress at Panama, after a short session, adjourned to meet again, at a more favorable season, in Mexico. There is no reason to believe that any of the acts of the Congress could injuriously affect the interests of the United States, or require the interposition of our Ministers, had they been present. Their absence has deprived us of the means of obtaining precise and authentic information of the treaties concluded at Panama, and the result has conclusively shown the expediency of being there represented. The surviving Minister has, accordingly, proceeded to his destination.

The receipts for the year will be about twenty-five and a half millions of dollars. The expenditures will be about one million less. On the first of January next, the public debt will be less than seventy-four millions. Relying, as we do, principally on the imports for revenue, we

must expect alternate ebbs and flows in the amount it yields. As thirty-one millions of the debt, redeemable now, or within a year, carry an interest of six per cent., he suggests the expediency of a loan of sixteen millions, which may be obtained at five per cent.

The returns from the subordinate departments of the army show that every branch of the service is marked with order, regularity, and discipline.

The surveys, plans, and estimates made under the act of the thirtieth of April, 1824, will be laid before Congress. The board of engineers thus created have reported that a communication between the tide-waters of the Potomac, the Ohio, and Lake Erie, is practicable. Their report of the plan and estimates, when made, will be submitted to Congress. Other details, from the War Department, are noticed. The whole expenditure, on these several accounts, will exceed five millions of dollars.

In speaking of the navy, he says we have now twelve line-of-battle ships, twenty frigates, and sloops-of-war in proportion. The act of Congress of the twenty-ninth of April, 1816, for the gradual increase of the navy, was a declaration to their constituents, and to posterity, that it was the destiny and the duty of these Confederate States to become, in process of time, a great naval power. There is, perhaps, no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the people of the Union than this.

Besides affording protection to our commerce in distant seas, the piracies in the West India seas have been totally suppressed.

The settlement of the private claims to lands in Louisiana and Florida, under the treaties of cession of

those territories, is recommended to the attention of the Legislature.

He adverts, in glowing language, to the death of Mr. Jefferson and Mr. Adams, on the fiftieth anniversary of that Declaration of Independence which the one had written, and the other had sustained. "If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory!"

Among the documents accompanying the President's message was a copious correspondence between Mr. Gallatin, Minister from the United States to Great Britain, and Mr. Canning, the British Minister of Foreign Affairs, on the subject of the trade with the British colonies in America.

There had been long-continued and repeated negotiations between the two countries on the subject of this trade, but the parties differed so much in fundamental points, that they never had been able to form any general and permanent system for their commercial intercourse. Great Britain claims a monopoly of the commerce with her colonies; regarded any partial share of it granted to other nations, as a favor for which she had a right to require compensation; and the United States deeming the trade mutually beneficial, insisted that the colonial trade, as well as the other branches of British commerce, should be on terms of reciprocity: and though each nation, regarding its interests yet more than its claims of right, had occasionally departed from its own principles, such deviation had only been for a time, and they both refused permanently to relinquish the grounds they had originally taken.

Since the peace, this contest had been carried on by

rival legislation. After the peace of 1815, all direct trade in American vessels to the British West Indies was interdicted by Great Britain, and high duties laid on American products imported in British vessels; and the exportation of plaster-of-paris was prohibited from Nova Scotia, except in British vessels.

By way of counteracting this policy, in March, 1817, Congress passed a law prohibiting the importation of gypsum in any foreign vessel from which American vessels were not allowed to bring it; and in the following year, to put the trade with the West Indies on a more equal footing, the entrance of British vessels from certain colonial ports into the ports of the United States was interdicted.

To countervail this law, by orders in council, certain ports were opened and made free to the vessels of the United States.

When the act of May, 1820, met this new state of things, Great Britain was induced to place that trade on a footing beneficial to all concerned. This was done by the act of Parliament of June, 1822; and the President's proclamation, in conformity with the act of Congress of May, 1822, declaring that the ports of the United States should be open to British vessels employed in the trade between the States and those colonies, subject to such regulations as he might publish. This act having expired, the act of March, 1823, was passed. By this law, the discriminating duties were continued, and the President had authority, on proof that no higher duties were imposed on vessels of the United States, or on the merchandize imported therein, than were levied on British vessels, or their merchandize imported into the said colonial ports "from elsewhere," to abolish, by proclamation, all discriminating duties.

To counteract this act of 1823, an order in council, of June, 1823, laid a discriminating duty of ninety-four cents per ton on American vessels entering the colonial ports.

A negotiation was then opened for an amicable arrangement on the subject, which was suspended, but with an understanding that it was to be renewed. During this suspension, occasioned by Mr. King's ill health, and the necessity of referring to Washington on some of the subjects involved, two acts of Parliament, of June and July, 1825, were passed, regulating the colonial trade—the meaning of which seems not to have been distinctly apprehended either in the United States or in the colonies: but when Mr. Gallatin arrived in England to negotiate on the subject, he found that all trade in American vessels to the British West Indies was interdicted.

This subject was referred to committees both in the House of Representatives and the Senate, who made full reports on the subject, giving a history of the conflicting views of the two Governments, and each reporting a bill of the same character, offering to Great Britain the alternative of mutual free trade, or mutual interdiction.

The report made in the House was presented on the twenty-second of January, by Mr. Tomlinson, of Connecticut. It set forth the facts already stated, with the motives and considerations which had dictated the course of the United States; and the bill it reported provided that, from the thirtieth of September next, the ports of the United States shall remain closed against any and every vessel from any of the British colonies in the West Indies, and on the continent of South America, the Bahamas, the Bermuda Islands, the Cape of Good Hope, and the Islands of Mauritius and Ceylon, the British settle-

ments of New Holland, Van Diemen's Land, Lower Canada, New Brunswick, Nova Scotia, Newfoundland, St. John's, Cape Breton, and the islands and dependencies of all of those places : and any vessel which shall have cleared from any of the colonies or possessions above described, and afterwards taking in a cargo at any port in the said colonies, shall afterwards, in the same voyage, have touched at, or again cleared from, any other port, shall be deemed to have come from a port of the said colonies, within the meaning of this act; and every vessel so excluded, that shall enter any port of the United States, shall, with her cargo, be forfeited.

The second section provides that every British vessel duly entered in a port of the United States, and on board of which shall be laden for exportation any articles of the production of the United States, other than provisions necessary for the voyage, shall give bond in double the value of such articles that they shall be landed in some other port than in the said colonies, under the like penalty of forfeiture for failing to give such bond.

Another section provides that the act shall not go into operation, if, before the thirtieth day of September, the President shall receive satisfactory assurance that the said colonies are open to the vessels of the United States; that neither they, nor their cargoes, are subject to any other or higher duties than British vessels and their cargoes arriving from the United States; that the vessels of the United States may import into the said colonies any article which a British vessel could import from the United States into the said colonies; and that the vessels of the United States may export to any colony whatever, other than to the dominions of Great Britain, any articles from the said colonies which British vessels may export therefrom. And if the

President shall receive satisfactory proof of the said facts before the thirtieth of September, he is authorised to issue a proclamation declaring the said colonies open to the admission of vessels of the United States, on the aforesaid conditions; and thereupon the ports of the United States shall be open to the vessels of both countries, coming from the said colonies, and also to the vessels of other nations which, by treaty, or the navigation act of the United States, are entitled to bring merchandise from such colonies into the United States; and British vessels neither on their tonnage, nor cargoes, shall be subject to other duties or charges than the vessels of the United States: and the several acts of Congress conflicting with this provision, are repealed. Then follows a precisely similar provision as to imports.

The report and bill from the Senate were submitted by Mr. Johnson, of Louisiana, on the same day.

This report is drawn with great ability, and expresses, with equal clearness and force, the conflicting pretensions of the two countries, and the vindication of the United States.

It denies that there is any essential difference as to other nations between the colonial trade and any other, every country having the sole and exclusive right to regulate either branch according to its own notions of interest or expediency. But when she applies these regulations to the commerce of other countries, they have an equal right to make counter regulations as to their trade with those ports. If nations having colonies choose to adopt a peculiar policy respecting their trade, and to exclude foreign nations from it, either wholly or partially, such foreign nations are perfectly at liberty to accept or reject such trade, or to attach to it such con-

ditions as justice or policy may seem to them to recommend.

In the present case, articles imported into the British West Indies were subjected to a duty of ten per cent., from which British ships were exempt. The United States, therefore, by way of giving a correspondent advantage to their own shipping, subject British vessels to an alien duty; and, at the same time, propose that, on their vessels and cargoes being allowed to enter into the British colonies on the same terms as British vessels, they would abolish all discriminating duties.

The British regard this claim as extravagant, inasmuch, they say, as any trade whatever with foreign nations to their colonies is a boon, a gratuity; and they withdraw the alleged boon, which is so badly requited, and interdict all commercial intercourse with their West India colonies to American vessels.

The United States then propose to pass a correspondent interdict on British vessels in the trade between the United States and those colonies, but at the same time provide that if Great Britain will recede from this policy, they will do the same, and put the commercial intercourse between the United States and the colonies on the same liberal and equal footing as it is between the States and Great Britain herself.

A bill framed with a view to this object was introduced into both Houses, and in both gave rise to much discussion, but by reason of the disagreement between the two Houses as to its terms, it finally failed. The majority in both Houses professed the same object of counteracting the British interdict by a similar interdict, but they differed as to the mode. By the Senate's bill, as amended, the trade was to remain on its present footing, by the suspension of the acts of Congress which for-

merly interdicted it; and if the British interdicts were not revoked before the thirty-first of December, then the President, by his proclamation, was authorised to put an end to all intercourse between the United States and the British colonies: while, by the bill of the House, as amended, such intercourse was expressly interdicted by the terms of the act. The Senate's bill also leaves the trade as it then was, until the thirty-first of December; but the bill of the House until the last of September.

Mr. Tomlinson, Chairman of the Committee of Commerce in the House, professed himself willing to extend the time to the thirty-first of December, in the spirit of accommodation.

As the point in difference between the two Houses was a small one, it seems probable that it would have been adjusted on a conference, if, in addition to the pride of opinion, the wish to embarrass the Administration, and to prevent any accession of strength to it from the united support of the Legislature in a controversy with a foreign nation, had not concurred to prevent the adjustment.

There was also some difference of opinion in the country as to the true line of policy to be observed. While the defenders of the nation's maritime rights, especially in New England, wished to insist on perfect reciprocity, and to meet restriction with restriction, no less in the trade with the colonies than with the mother country, others were content to accept the qualified share in the colonial trade permitted by Great Britain, by which American vessels and products were subject to duties in the West Indies from which British vessels were exempt; while British vessels and merchandize were to be placed on the footing of the most favored nation, and would of course be, in many cases, subject to no greater duties than

American vessels;—such persons believing that, under the inherent advantages of American shipping in point of economy and enterprise, and the advantage they would have in supplying domestic products, they would be able to get a fair share of the British colonial trade.

The delay, therefore, in accepting the offer made by the British orders in council, either by negotiation while Mr. King was Minister, or by an act of Congress, afforded materials of censure on the Administration, as well as of offence to the British Government.

On the sixteenth of January, 1827, the President communicated to both Houses the convention signed in November last concerning indemnity to citizens of the United States under the first article of the treaty of Ghent—the taking away of slaves.

The convention having taken place in consequence of the convention held at St. Petersburg, under the mediation of Russia, was negotiated by Messrs. Huskisson and Adlington, on the part of Great Britain, and of Albert Gallatin, on the part of the United States. The British Government agrees to pay, as indemnity, one million two hundred and four thousand nine hundred and sixty dollars, in two payments—the first in twenty days, the second on the first of August, 1827.

On the eighth of February, a report<sup>1</sup> was made by Mr. Holmes, in the Senate, from a select committee on French spoliations, in which the grounds of the claims to indemnity by the citizens of the United States are very fully and clearly stated. The committee think that all claims against France were surrendered by the United States in their convention with that country in 1800, by which France considered the mutual claims for indemnity to be relinquished: that, therefore, the claimants have a

<sup>1</sup> XXXI. Niles's Register, for 1827, page 45.

right to remuneration from the United States: that those claims, they believe, then amounted to eight millions of dollars: and they conclude by offering a resolution, that the President, in the recess, procure the evidence and documents relative to the claims against France before the thirtieth of September, 1800, for the next session of Congress.

On the twenty-ninth of December, the Vice-President, Mr. Calhoun, had informed the Senate that he addressed a communication to the House of Representatives which may claim an investigation into his official conduct while Secretary of War, and that a sense of propriety forbade his resuming his station in the Senate until the House had disposed of the subject.

In his letter to the Speaker of the House, he said he had been informed that charges of a serious nature had been made against him, which, if true, ought to degrade him from the station to which he had been raised, and consign his name to perpetual infamy. He was accused of participitating in the profits of contracts formed with the Government through the Department of War, while he was entrusted with the discharge of its duties. He solicited the freest investigation of the House.

The subject was referred to a select committee, who, on the second of February, 1827, made a report,<sup>1</sup> completely acquitting Mr. Calhoun of having any interest or concern in the contracts alluded to, and asking that no further proceedings be had on the subject.

The circumstances of this impudent accusation were as follows:—One Elijah Mix, a bankrupt in fortune and character, made a contract with the War Department to supply a large quantity of stone<sup>2</sup> for the forti-

<sup>1</sup> Register of Debates, page 1128.

<sup>2</sup> From 100,000 to 150,000 perches of stone, at \$3 per perch.

fication at the Rip Raps, or Fort Calhoun, which was executed in July, 1818, by Mix, on the one part, and General Joseph G. Swift, chief engineer, on the part of the United States.

This contract was then, or soon after, divided into four parts—of which one belonged to Mix; one to Major Vendeenter, chief clerk in the War Department; one to R. C. Jennings; and one to a person, whose name was not to be mentioned.

As this contract was understood to be very profitable, as its terms were more advantageous to the contractors than some which had been rejected, and there were other irregularities and suspicious circumstances connected with it, an investigation of it had been made in Congress, some three or four years before, the result of which was, that the House refused to make further appropriations for its execution: but Mix having applied for another contract with the War Department under the present Administration, vainly sought to recommend himself to that Department by informing it that Mr. Calhoun was the secret partner in the Rip Rap contract; and exhibited a letter from Vendeenter to himself, in August, 1818, which the committee show that he had fraudulently altered, so as to give color to his false charge against Mr. Calhoun. The person referred to by Vendeenter as the secret partner, was General Swift; but as to that fact, the evidence was contradictory.

This circumstance, however, does not at all impair their entire exculpation of Mr. Calhoun; for though, on the one hand, General Swift swears positively that he had never had any interest in the contract, and both Vendeenter and Jennings ground their belief in his interest on information received from Mix, who is totally unworthy of credit, yet, on the other hand, another wit-

ness thinks that Swift admitted he was a partner; and Vendeventer's intimacy and frequent intercourse with Swift compels the inference that he knew whether Swift was a partner, or not, as well as Mix.

There is one mode, and probably only one, of reconciling the conflicting evidence, which is the supposition that Swift intended to be a partner, but never carried his intention into execution; and that the same motives which first suggested the concealment of his name, subsequently induced him to abandon his purpose.

While every one in Congress, and out of it, believed the charge against Mr. Calhoun to be a base calumny, doubts were seriously entertained by many whether the Mix contract had not been corruptly, as well as illegally, made.

Though there were few enactments, there had been the usual amount of discussion, at this session, which continued until it was, on the third of March, terminated by the Constitution.

## CHAPTER XXV.

### JOHN QUINCY ADAMS'S ADMINISTRATION.

1827—1829.

MR. CLAY'S vote for Mr. Adams, instead of General Jackson, had never ceased to be a subject of obloquy or discussion in the party newspapers, or in public addresses, from the time that his vote was given. The topic received a new impetus this summer from the character of the parties before the public, who were no less than General Jackson and Mr. Clay themselves.

The subject was brought before the public in this way. A letter appeared in the newspapers<sup>1</sup> from Carter Beverley, a private gentleman of Virginia, which stated that, on a recent visit to General Jackson, at the Hermitage, he had communicated to the persons present, "that Mr. Clay's friends made a proposition to his (Jackson's) friends, that if they would promise, for him, not to put Mr. Adams into the post of Secretary of State, Mr. Clay and his friends would, in one hour, make him (Jackson) the President. That he had most indignantly rejected the proposition, and had declared he would not compromise himself, and unless most openly and fairly made the President by Congress, he would never receive the office."

This statement was confirmed, in a publication, by General Jackson, when applied to, and he at the same

<sup>1</sup> March 8th, 1827.

time adds the following details : that a member of Congress, of great respectability, having called on him, and said he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them by professing that if Mr. Clay and his friends would unite in the election of Mr. Adams, Mr. Clay should be Secretary of State. After stating the alleged attempt of Mr. Adams's adherents to influence Mr. Clay's, the General adds : "The friends of Mr. Clay stated that the West did not wish to separate from the West; and if I would say, or permit any of my confidential friends to say, that, in case I was elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends they would put an end to the Presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons: but that he refused, and requested him to say to Mr. Clay (for he supposed he came from Mr. Clay), that before he would reach the Presidential chair by such means, he would see the earth open and swallow up both Mr. Clay and his friends with himself. The second day after this communication and reply, it was announced in the newspapers that Mr. Clay had come out openly and avowedly in favor of Mr. Adams."

Mr. Clay, in a short address to the public, after noticing the statements made by Mr. Beverley and General Jackson, affirms that the application by the member of Congress of which they speak was not authorised by him in any manner, or even known to him; and that any allegations or insinuations that his vote for the Presidency was to be given, or was in fact given, in consideration of any benefit to himself, express or implied, or of any appointment, was utterly false; and he further believes that the like charge against his friends was

equally untrue, but if made by them, it was without his privity or consent.

He says that he rejoices that a specific accusation by a responsible accuser has at length appeared, after near two years and a half since the charges were put forth by Mr. George Kremer; and he calls upon General Jackson to substantiate his charges, or to stand confessed to the world as a base calumniator.

General Jackson, on this appeal, stated that Mr. Buchanan, of Pennsylvania, was the member of Congress who made the application to him, remarking, "that Mr. Buchanan's character forbids the idea that he was acting on his own responsibility; and that, therefore, he had requested Mr. Buchanan to deliver his answer to Mr. Clay." He adds, "but whether the communication was made to Mr. Clay and his friends, I know not; this, though, I do know, that while the opinions and course of Mr. Clay, as to the election, were but matter of conjecture with many, at and before this time, very shortly after this conversation took place, his and his friends' opinions became, forthwith, matter of certainty and general knowledge. Still, I have not said, nor do I now say, that the proposal made to me was '*with the privity and consent*' of Mr. Clay, nor either have I said, that *his friends in Congress made propositions to me*"

Mr. Buchanan, in an address to the public, details the motives and circumstances of his interview with General Jackson. After a statement of their conversation, which substantially agrees with that given by the General, he declares that he called upon General Jackson solely as his friend, on his own responsibility, and not as the agent of Mr. Clay, or of any other person. He had never been the political friend of Mr. Clay, since he became a candidate; and until he saw General Jackson's letter to Mr.

Beverley, the conception that he had thought him the agent of Mr. Clay, or of his friends, had never once entered his mind, or that he (Buchanan) had intended to propose to him terms of any kind for them, or that he could have supposed him (Buchanan) capable of expressing the "opinion that it was right to fight such intriguers with their own weapons." Such a supposition, valuing as highly as he did General Jackson's good opinion, would have rendered him very unhappy; and he thinks that General Jackson could not have received this impression until after Mr. Clay and his friends had actually elected Mr. Adams. He deeply deplores that such has been the effect. He adds that he had replied to an inquiry made to him as to the supposed proposal, that "he trusted he would be as incapable of becoming a messenger upon such an occasion as it was known General Jackson would be to receive such a message."

This letter of Mr. Buchanan's is sufficient to dispel all doubts which had arisen in General Jackson's mind, and which his letter had a tendency to diffuse, except the mere coincidence that soon afterwards the course of Mr. Clay, which had been previously uncertain, and had given rise to opposite conjectures, became then generally known. But this is entitled to little weight, when we find that Mr. Clay's course was in conformity with that which he had repeatedly declared to confidential friends that it would be, and which, moreover, those who knew the parties, and the relations in which they previously stood, were also well assured of. The coincidence, then, was merely accidental. Without doubt, if Mr. Clay felt anxious to defeat General Jackson's election, as he undoubtedly did, and wished to bring over a majority of the Kentucky delegation to vote with him, the only way of effecting this purpose was not to press his own wishes

on his colleagues, but to leave them to come to the same conclusion from their own reflections, and from the same considerations as those which induced him to think the General unfit for the office. When this effect was produced, and not before, their sentiments became publicly known. Besides, if General Jackson's declaration reached the ears of Mr. Clay's warm friends in the Kentucky delegation, and influenced their decision in favor of Mr. Adams, who would so naturally and probably appoint their friend Secretary of State, that circumstance ought not to cast any blame on Mr. Clay. It is clear that he acted on other and prior motives—motives from which he could not be induced to depart, since, if such had not been his fixed and unchangeable purpose, he never would have told, and still less written, that he had insuperable objections to General Jackson. Among all candid men, then, Mr. Clay stood acquitted of the charge of bartering his vote for office, and of being ready to give it to either candidate who would consent to make him Secretary of State.

The controversy between the State of Georgia and the United States, relative to the lands of the Creek Indians, still continued unsettled. The State refused to acquiesce in the second treaty made at Washington, and insisted that the first treaty, at Indian Springs, should be carried into execution.

On the third of March, the select committee to whom the subject was referred made a report on the subject, in which they gave a history of the claims and rights of Georgia.

They say that the right of civilized nations to the lands of the Indian tribes was not precisely defined, but that, in general, European Powers claimed only the right of pre-emption, recognizing in the savage occupants the

right to the soil, which the Governments had the exclusive right of extinguishing.

After the war of independence was at an end, the rights of the British Government devolved on the United States; but a question arose whether this right of exclusive sovereignty and exclusive pre-emption devolved on the particular States within whose limits there were any Indian lands, or on the whole Confederacy. The difference on this point among the States had been the principal cause that retarded the adoption of the Articles of Confederation.

This question was never formally decided, but the necessity of a decision was avoided by one of those compromises which have so often reconciled conflicting claims and interests in these States, and which seem indispensable in concerns so complicated and various as arise between the qualified sovereignties of the General Government and the State Governments, and between individual States. New York, Virginia, North Carolina, and South Carolina made cessions to the United States of those lands within their respective chartered boundaries which were in the occupation of the Indians. Georgia, after a long time refusing to make a similar cession, or offering one on terms that were acceptable, at length followed their example, and in April, 1802, by a compromise with the United States, she ceded all the lands west of a certain line, both as to jurisdiction and soil, to the United States, which, at the same time, stipulated to extinguish the Indian title to the lands within her remaining territory, "as soon as it could be done peaceably, and on reasonable terms."

It is to be remarked, that while the General Government accepted these cessions, even under the old Confederation, they did not concede that such lands were

the exclusive property of the ceding States, or surrender the claim of the General Government to all the rights of the British crown over such lands.

The lands then occupied by the Creeks were estimated at or near twenty millions of acres.

In pursuance of this compact with Georgia, the United States made several purchases of lands from the Creeks by treaty, amounting in all to near fifteen millions of acres, or more than two-thirds of the whole quantity. At this time the Cherokees held about seven millions of acres, of which near one million had been acquired by the United States for Georgia.

In 1822, an appropriation was made for further purchases from the Creeks and Cherokees; and a treaty having been made with the Creeks the year before, it was thought expedient to negotiate with the Cherokees. They, however, positively refused to make any cession. They had made advances towards civilized life, and were unwilling to migrate to the west of the Mississippi. To strengthen their cause, they endeavored to induce the Creeks to co-operate with them. M'Intosh, a chief among the Creeks, in vain endeavored to influence the Cherokees, with whom he was connected by marriage, to a further cession; and by way of counteracting the influence and efforts of M'Intosh, councils were held in the Creek nation, and a law was passed by them—or, as they say, an old law was revived—which made it a capital offence for any one in authority to cede away the lands of the Creeks without the consent of the nation.

In 1824, the United States Commissioners—the same who had failed to obtain a cession from the Cherokees—met the chiefs of the Creeks at Broken Arrow, the seat of their national council; at which time and place the Creeks also refused to make a further cession. M'In-

tosh acted as spokesman, or orator, of the nation, and joined in the refusal.

The Commissioners say that they then ascertained that a large majority of the chiefs within the limits of Georgia, including M'Intosh, notwithstanding this refusal, were in favor of a cession, and that a treaty could have been obtained; but not being authorised to conclude one with but a portion of the chiefs, they adjourned the council, and one of them repaired to Washington to obtain permission to convene the chiefs within the limits of Georgia, and to negotiate with them exclusively, or inclusive of the chiefs of the upper towns, if they should present themselves.

The President, Mr. Monroe, refused his assent to this proposal, but authorised a renewal of the negotiations *with the whole nation*. A meeting of the chiefs was accordingly summoned at Indian Springs, within the limits of Georgia, and they met on the tenth of February, 1825. The next day, O-poth-le-yo-ho-lo, as orator for the nation — M'Intosh having been deprived of that office at the Broken Arrow — declared that no treaty could then be made for the cession of their lands; but he invited the Commissioners to meet three months later at the Broken Arrow, and he stated that he should go home the next day. The chiefs of two of the tribes went home on that day. On the twelfth, a treaty was signed by the M'Intosh party. O-poth-le-yo-ho-lo protested against this treaty, and warned M'Intosh of his danger in breaking the law.

The committee consider, from the evidence, that the treaty was signed not only by a small and unauthorised part of the Creek nation, but by a minority of the chiefs who attended the council.

The next day, Colonel Crowell, the agent of the

United States, wrote to the Secretary of War, and informed him that the treaty was signed, with the exception of M'Intosh, and perhaps two others, either by chiefs of low grade, or those who were not chiefs at all, and that the signers were from eight towns only, when there are fifty-six in the nation. He therefore urged that the ratification of the treaty should be prevented, for, if ratified, it might produce "a horrid state of things among these unfortunate Indians."

The treaty was hurried on to Washington, and the session being near its close, it was referred, as well as Crowell's letter, to the Senate. The letter was unheeded, and the treaty was ratified on the third of March. On the seventh of March, the new President gave it his sanction, and on the following day the protest of the chiefs assembled at Broken Arrow, immediately after the execution of the treaty, together with documents showing that it was made without authority, reached Washington.

M'Intosh, soon after the treaty was signed, repaired to Milledgeville, and asked the protection of Georgia from the hostility of the party opposed to the treaty, which Governor Troup promised.

On the twenty-first of March, Governor Troup issued his proclamation to announce the ratification of the treaty. On the twenty-ninth, he applied to M'Intosh to permit a survey of the ceded territory; to which M'Intosh replied that he would submit to the chiefs, about to convene on the tenth, the proposal to survey. On the twelfth, the consent of M'Intosh and his party was given, with this condition: "If the General Government of the United States have no objection, and the agent of the Creek nation (Crowell), and the party he influences, does not make any objection or opposition to running

and surveying the land, myself, and the chiefs and Indians who were in favor of the late treaty, do not object."

This qualified assent not being satisfactory, Governor Troup, on the eighteenth of April, 1825, wrote to M'Intosh the following letter :

"DEAR GENERAL :

"In one of your late letters you say something about the consent of the United States, or if the agent and hostiles do not make opposition. Pray explain to me your meaning. We have nothing to do with the United States, or the agent, or the hostiles, in this matter : all we want is the consent of the friendly Indians who made the treaty. If we wanted the consent of the United States, we would ask it.

"Your friend,

G. M. TROUP."

But without waiting for M'Intosh's answer, he on the same day issued his proclamation, stating "that the assent of the Indians had been obtained to the running of the line and survey of the country," and convening the Legislature to provide for those objects.

On the twenty-fifth of April, an unconditional consent was transmitted from M'Intosh to the Governor. At a council held with the Creeks by General Gaines, he was informed that M'Intosh had never consulted them on the survey, and that they had never given their consent to it.

It appears, from the documents sent on by the Creeks with their protest, that M'Intosh's party constituted but a small minority of the Creek nation. Of the fifty-two who signed the treaty, M'Intosh was the only head chief, he being the fifth in rank in the nation ; that five were chiefs of inferior degree, and these six were all of one town, Coweta : that twenty-six were officers called law-makers, or law-menders, and not chiefs ; fourteen were broken chiefs ; four possessing no rank whatever ; and two persons wholly unknown to the Creeks. These individuals were exclusively from eight towns, out of fifty-six of which the nation is said to consist.

Finding that the treaty was ratified, and the survey ordered by the Governor of Georgia, Little Prince, the head chief, issued orders to the law-makers to take the life of M'Intosh and two other chiefs of Coweta, which was done on the thirtieth of April, and at the same time their dwellings were burned, and their property plundered.

Orders were forthwith issued by Governor Troup to three Major-generals, to hold their divisions ready to march; and in case the United States, bound by the Constitution and the treaty to repress and punish hostility among the Indians, and maintain peace on the borders of Georgia, should by any means fail of their duty in those respects, he formally communicated to the Secretary of War the measures which he had taken, until the authority of the United States could be interposed. A party of M'Intosh's friends hastened to Washington, to solicit vengeance against the chiefs opposed to the treaty, and to ask protection. They at the same time preferred charges against Crowell, the Indian agent. Orders were immediately sent to General Gaines to repair to Milledgeville, to consult with the Governor on the measures to be pursued. An agent—Major Andrews—was also authorised to inquire into the conduct of Crowell.

In the correspondence which took place between Governor Troup and General Gaines, the Governor took offence; and in complaining of the General to the President, he uses this language: "Now, sir, suffer me, in conclusion, to ask if these things have been done in virtue of your own instructions, express or implied, or by authority of any warrant from you whatsoever; and if not so done, whether you will sanction or adopt them as

your own, and thus hold yourself responsible to the Government of Georgia."

The Secretary of War returned a very temperate letter to this defiance of Governor Troup, in which he said the President regretted that the views of Governor Troup as to the treaty differed from those which he was obliged to take. He declined to enter into a discussion which might lead to no good result, and the rather, as he should lay the whole subject before Congress at its next session.

Another letter, published by General Gaines, having given offence to Governor Troup, he wrote to the War Department, and demanded the arrest of that officer by the President. The Secretary of War wrote to General Gaines, that the President disapproved of his having written and published the letters in question; and referring to his previous letter, said that the President declined making the arrest, but he sent him a copy of the letter to General Gaines. The committee, while they disapprove of the course pursued by General Gaines, acquit the President of being deficient in his respect for the rights of Georgia.

The conduct of Crowell, the Indian agent, was inquired into by Major Andrews, and the result of the inquiry was the refusal of the Executive to remove him.

The Legislature of Georgia having met, passed an act to dispose of the Creek lands. By this act, the whole of the ceded territory was made subject to the legislative and criminal jurisdiction of the State, the land was divided into sections, one hundred and ten surveyors were appointed, and a land lottery organized, by which the lots should be disposed of to the citizens of Georgia. On the application of the President to the Governor, the

survey was suspended until the decision of Congress was known.<sup>1</sup>

General Gaines held councils with both parties of the Creeks, but his efforts to induce those opposed to the treaty to accede to its terms were ineffectual. They might, they said, yield to compulsion, but nothing would induce them to receive compensation for the lands thus wrested from them. They then agreed to send a deputation to Washington, authorised to negotiate for a further cession of lands. They did so, and a negotiation took place with the Secretary of War. After some difficulty about the extent of the cession, which continued till after the meeting of Congress, they at length, by another treaty, agreed to surrender all the lands east of the Chattahoochee, to which they added a further cession, which was supposed to include all of their lands within the State of Georgia; but this fact could not be ascertained until the dividing line was run between that State and Alabama. This termination of the difficulty superseded the necessity of inquiring into the subject of the treaty, or of the transactions connected with it. The land thus ceded for the benefit of Georgia was estimated at four millions seven hundred thousand acres, and had cost the United States eight hundred thousand dollars, including the value of the annuity of twenty thousand dollars. The new treaty received the sanction of a large majority of the Senate, and the appropriations for carrying it into effect passed the House of Representatives with only nine dissenting voices. Throughout the whole progress of the affair, the committee see, on the part of the authorities of the General Government, a desire to redeem their pledge to Georgia, and to promote her interests.

<sup>1</sup> The treaty of Indian Springs stipulated that the Indians were to retain the undisturbed possession of their lands till September, 1826.

It turns out that between the line agreed on by the treaty at Washington and the Georgia line there remain unceded one hundred and ninety-eight thousand six hundred and thirty-two acres of Creek lands, which quantity may be reduced when the line between Alabama and Georgia is run.

It is about this comparatively small tract of barren land that the existing controversy has arisen. The surveyors of Georgia having passed the line fixed by the treaty of Washington, the Indians remonstrated, and appealed to the General Government for protection. The surveyors applied to the Governor for the support of a military force. The Governor of Georgia had addressed a remonstrance to the President, representing these encroachments as an invasion of the rights of Georgia, which may end in bloodshed. The President has promised the Creeks to maintain the faith of the country, and the Governor of Georgia has been informed that the treaty will be carried into effect. Orders have been, accordingly, given to arrest and prosecute those engaged in surveying the lands not ceded.

The right to regulate the trade and intercourse with the Indians was exercised by Congress as early as 1775. By the Articles of Confederation, Congress had the exclusive power of making treaties, the only mode in which the relations of the Indians have been conducted. It also had the power of "regulating trade, and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State be not infringed or violated." These provisions were the subject of much embarrassment, until the Federal Constitution was adopted. Besides the treaty-making power, and the provision that treaties shall be the supreme law of the land, and the Judges in every State shall be

bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding, Congress has the exclusive right to regulate commerce with the Indian tribes, without the qualification contained in the Articles of Confederation. This exclusive power of regulating commerce, of repelling by force their hostile encroachments, and of making treaties with them, which is possessed by the Federal Government, is so much taken from the jurisdiction and power of the original States. Mr. Madison, in adverting to this part of the Confederated Government, says it was one of the cases in which the Articles of Confederation inconsiderately endeavored "to accomplish impossibilities, to reconcile a partial sovereignty in the Union with a complete sovereignty in the States; to subvert a mathematical axiom by taking a part, and letting the whole remain."

With these powers rightfully followed the duty of defending the States against Indian violence. This has been a costly and onerous duty, by which the older States have had no benefit. "But the power and the burden, say the committee, must be reciprocal; and the State which claims the right, by uncontrolled legislation, of causing an Indian war cannot reasonably call on the Union to bear the burden of carrying it on."

The committee then advert to the laws passed by Congress for regulating trade with the Indians, which were at first limited in duration to terms of two or three years, until the act of March, 1802, which was enacted without limitation, and which remains unrepealed.

It is not known that, until lately, either Georgia or any other State exercised or claimed the right to treat with independent tribes of Indians. That State has not only acquiesced in the power of the United States, but her intelligent and prominent citizens have given it their

express sanction, of which the committee cite examples. From all which, the committee logically infer that the property in the lands occupied by the Creeks in Georgia, and the jurisdiction over them, "are not exclusively possessed by that State, but are subject to the rights guaranteed to the Creeks, or reserved to the United States by the compact of 1802, by the provisions of law, or by treaty."

As to the portion of lands still occupied by the Creeks, Georgia's claim to the right to survey it being under the treaty of Indian Springs, which, on five separate and sufficient reasons, has no validity, is null and void; and the Creeks cannot, by that treaty, be divested of their rights of occupancy.

The small quantity of land in controversy, and its trifling value, render it probable that the Indians will agree to cede it. The committee say that, "while the constitutional powers of the United States have been asserted, the great objects desired by Georgia have been attained, and the public sentiment of the world has not been disregarded, which requires a tenderness and moderation, in disposing of the rights of those whom Providence has placed, without the means of resistance, at our discretion."

The committee then state that, after the Governor of Georgia was informed that the General Government would feel itself compelled to carry the treaty of Washington into effect, the Governor had returned a direct defiance. Instead of submitting the decision of the question to the constitutional tribunal, he has issued orders to take legal measures to effect the liberation of the surveyors, to prosecute the officers of the United States, and to the military to repel any hostile invasion. The committee do not apprehend that the people of Georgia

will engage in collision with the Union under the present circumstances; but if they should, they trust that the law of the land will be maintained, and its faith be preserved inviolate. They offer the following resolutions:

That it is expedient to procure a cession of the Indian lands in the State of Georgia.

That, until such a cession is procured, the law of the land, as set forth in the treaty of Washington, ought to be maintained by all necessary constitutional and legal means.

While it is gratifying to see the temper, moderation, and firmness exhibited by the General Government, and while we must unhesitatingly condemn the rash measures and offensive tone of the authorities of Georgia, which exhibit the former in a character not unlike that of a discreet but indulgent parent towards a wayward child, truth and candor require us here to indicate the indignant sense of ill treatment under which Georgia spoke and acted, and which many impartial witnesses of these transactions thought was well founded, but of which there may be no sufficient recorded evidence.

We have seen that when Georgia, after a long hesitation, finally agreed to that liberal cession to the General Government which now constitutes the large and wealthy States of Alabama and Mississippi, the United States engaged to extinguish the Indian title to the lands they occupied in that State; and though the United States engaged to do this only "as soon as it could be done peaceably, and on reasonable terms," yet Georgia urged that this part of the compact had not been fulfilled with entire good faith: that the purchase was not always attempted when it was most practicable, but was delayed when it was known that delay must increase the difficulty: that the Cherokees were making rapid advances in

civilization under the liberal and humane treatment they experienced from the General Government, the natural effect of which would be to raise the intrinsic value of their lands, and to increase their local attachments and unwillingness to migrate. It was even suspected that when these consequences of delay were so obvious, the purchase was purposely postponed, to retard, and even prevent, that increase of power and population which the extinguishment of the Indian title would bring to Georgia; and though there may be no evidence of such an unworthy purpose in any of the authorities at Washington, and we are unwilling to believe that it really existed, it is certain that the suspicion was entertained by many Georgians, and had its influence in quickening their resentment.

It may be also proper to mention, on the other hand, that the policy pursued by the State of Georgia, by which her public lands were converted into prizes of a lottery for which every one of her citizens had a gratuitous right to draw, was well calculated to give a lively impulse to the popular wish to obtain the Indian lands, which were among the most fertile in the State, to produce a decided bias in favor of the advocates of the State among the honest portion of her citizens, and to make the less scrupulous portion, which might be the majority, support the claims of the State, whether they were right or wrong.

For several years, one of the most contested public questions in the United States had been that of encouraging manufactures, by laying heavy duties on those imported from other countries; and as Mr. Clay was known to be friendly to the policy of protection, the vehement opposition to the Administration of which he was deemed the most efficient member, as well as the most likely to

profit by its success, gave a new impetus to the opponents of this policy, and the advocates of free trade. In all the Southern States, legislative declarations were made against the constitutionality of such protection, as well as against the power of making roads and canals by the General Government. By way of counteracting these measures, and of producing a concert of action, the friends of manufactures proposed to hold a convention this summer.

The members accordingly assembled at Harrisburg, in Pennsylvania, on the thirtieth of July. There were members from the New England and the Middle States, from Ohio, Indiana, and Kentucky, with Virginia. The more Southern and the South-western States were unrepresented, together with Missouri and Illinois.

After a deliberation of five days, they agreed on an address to the people, and a memorial to Congress on the expediency of giving legislative protection to manufactures. In view of the latter purpose, they suggested the duties on imported commodities which they thought most conducive to their object. Among these were :

A duty of twenty cents per pound on wool, to be annually increased two and a half cents until it reached fifty cents.

On all woollen goods a duty of forty-five per cent. *ad valorem*, until 1830, and then a duty of fifty per cent.

There were ninety-six members present. They published with their address a great mass of statistical information.

In the course of the summer and autumn, there were several other publications on the subject of Mr. Clay's vote for Mr. Adams, with answers and rejoinders, though little additional light was shed on the subject. Major Eaton and Mr. Isaacs, members of Congress from Ten-

nessee, Mr. Markley, from Pennsylvania, and Mr. Buckner, of Kentucky, all published letters under their own names in the newspapers; which had the effect of continuing the agitation, and of keeping alive those suspicions to which so many of the multitude are prone towards public men.

On the third of December, Congress having assembled, the House chose Mr. Andrew Stevenson, of Virginia, Speaker, by a small majority over Mr. Taylor; and on the next day, the President sent his opening message to both Houses.

After adverting to the blessings of peace, health, and abundance which the country now enjoyed, as well as the prosperity of its commerce and manufactures, he notices those subjects that require the attention and intervention of the National Legislature.

The friendly relations with foreign countries continue unimpaired. A negotiation with Great Britain has terminated in the adjustment of some of the questions at issue between the two countries, and the postponement of others for future discussion.

The conventions with that country, of 1815 and 1818, will expire in October next. They have regulated the commerce between the two nations on terms of perfect reciprocity, and they effected a temporary compromise of the respective claims to territory west of the Rocky Mountains. These arrangements have been indefinitely continued, leaving to each party to terminate them on giving notice to the other. He dwells upon the advantages of reciprocity in commerce, which is particularly recommended between countries whose intercourse is so great.

After the treaties of peace of November, 1782, and September, 1783, a boundary line was drawn over a

country very imperfectly known, extending through near twenty degrees of latitude; and several questions of boundary have since arisen, of difficult adjustment. At the close of the late war, four of these questions presented themselves during the negotiations at Ghent. They were referred to three separate commissions for settlement. Of these commissions, two have been terminated — one by entire, and the other by partial agreement. The Commissioners of the fifth article of the treaty of Ghent being unable to agree, a fifth convention has settled the difficulty.

While these questions were pending, a collision has arisen on the territory in dispute, on the north-eastern boundary, the precise character of which has not yet been made known. A special agent has been sent to ascertain the facts.

It is matter of regret that the commercial intercourse between the United States and the British colonial possessions remains still unsettled.

He then adverts to the total exclusion of American vessels from the British colonies, except those in our vicinity, and of the several grounds assigned for it; and says that neither of the acts of Congress proposed at the last session would be deemed sufficient concessions to produce any relaxation of the colonial monopoly of Great Britain.

In conformity with the act of Congress of the seventeenth of March last, he had issued his proclamation, the effect of which is that the trade, useful as it is to both parties, can now be carried on by the vessels of neither.

Since the convention with France, our commerce with that country has increased, and is increasing. It is hoped that the same liberal course will be extended to other

objects. A proposal has been made to refer the claims of our citizens for injuries long since committed to the determination of a sovereign, the friend of both parties ; but no definitive answer has yet been received.

A new treaty of commerce and navigation has been concluded with Sweden.

Russia continues to manifest her wonted friendly disposition towards the United States. From the interest which the Emperor has taken in the cause of the Greeks, the friends of freedom and humanity may indulge the hope that they will obtain the blessings of self-government. The sympathies of the American people and Government have been acknowledged in a letter of thanks from the Greek President.

The cause of freedom and independence has continued successful in this hemisphere. Our friendly wishes, which have ever attended the new States in their war of independence, are succeeded by a solicitude that they may secure to themselves the blessings of social order, and the reward of virtuous liberty.

As obstacles appear to have arisen to the reassembling of the Congress, one of the Ministers appointed to it from this country has returned, and the Minister to Mexico is authorised to attend the conferences of the Congress, whenever they may be resumed.

The violations of neutral rights by some of the naval officers of Brazil have not been sustained by that Government, and we trust that our citizens who have suffered will be indemnified. The American Chargé d'Affaires has demanded his passports. The Brazilian Government denied that he had cause for this course.

The revenue of the past year corresponds to the anticipations of it, which, with the receipts of the present quarter, will form an aggregate of more than twenty-one

millions of dollars. The expenditures, including six millions paid of the public debt, will leave near four and a half millions in the treasury.

Some military operations, in repressing the incursions of a tribe of the north-western Indians, are noticed. An addition to the engineer corps is deemed expedient, if the surveys authorised by the act of April, 1824, should be continued. He enumerates twelve different surveys for roads which had been made under that act, and four for canals. The reports will be submitted to Congress. Other reports of surveys are in progress. The fund of topographical knowledge gained from these surveys would have more than compensated for their expense; but much of the money expended may be considered rather as treasures laid up by the present generation for the benefit of posterity than as unrequited applications of the revenue. From three to four millions of dollars have been expended in these valuable improvements without addition to the taxes, or suspending the regular discharge of the public debt.

He notices the measures adopted for the gradual increase of the navy, in collecting materials, in preserving particular species of timber, and in the construction of dry-docks. The establishment of a naval academy is again recommended, and its benefits somewhat minutely dwelt upon.

The post-office continues to be in a flourishing condition. He anticipates a considerable revenue from this source.

He gives full and interesting details relative to the public lands, by which it appears that the amount of land acquired by the United States, in their various purchases, is about two hundred and sixty millions of acres; of which, on the first of January, 1826, about one hun-

dred and thirty-nine millions had been surveyed, and little more than nineteen millions had been sold.

Other topics are briefly noticed: these were the debt, "rather of justice than gratitude, to the surviving warriors of the Revolutionary War; the extension of the judicial system to the new States; an uniform militia system; and the amelioration of the diversified and often oppressive codes relating to insolvency.

In the Legislature of Georgia, a committee made a long report on the subject of the Cherokee lands in that State, and concluded with the following resolutions:

"That the United States, in failing to procure the lands in controversy "as early" as the same could be done upon "peaceable" and "reasonable terms," have palpably violated their contract with Georgia, and are now bound, at all hazards, and without regard to terms, to procure those lands for the use of Georgia."

"That the policy which has been pursued by the United States towards the Cherokee Indians has not been in good faith towards Georgia; and that, as all the difficulties which now exist to an extinguishment of the Indian title have resulted alone from the acts and policy of the United States, it would be unjust and dishonorable in them to take shelter behind those difficulties."

"That all the lands, appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely; that the title is in her; that the Indians are tenants at her will; and that she may, at any time that she pleases, determine that tenancy by taking possession of the premises; and that Georgia has the right to extend her authority, and to coerce obedience to it from all descriptions of people, be they white, red, or black, who may reside within her limits."

"That Georgia entertains for the General Government

so high a regard, and is so solicitous to do no act that can disturb the public tranquillity, *that she will not attempt to enforce her rights by violence until all other means of redress fail.*"

"That, to avoid the catastrophe which none would more sincerely deplore than ourselves, we make this solemn, this final, this last appeal to the President of the United States, that he take such steps as are usual, and as he may deem expedient and proper, for the purpose of, and preparatory to the holding of, a treaty with the Cherokee Indians, the object of which shall be the extinguishment of their title to all, or any part, of the lands now in their possession, within the limits of Georgia."

"That if such treaty be held, the President be respectfully requested to instruct the Commissioners to lay a copy of this report before the Indians in convention, with such comments as may be considered just and proper, upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal upon the part of the Indians to dispose of those lands: and that the Commissioners be also instructed to grant, if they find it absolutely necessary, reserves of land in favor of individual Indians or inhabitants of the nation, not to exceed one-sixth part of the territory to be acquired; the same to be subject to the future purchase by the General Government, for the use of Georgia."

These resolutions to be forwarded to the President, and to the members of Congress from Georgia, with a request to use their exertions to obtain the objects.<sup>1</sup>

In January, 1828, a treaty was concluded by the General Government with the Creek Indians, by which they agreed to cede the whole of the residue of their

<sup>1</sup> XXXII. Niles's Register, for 1828, page 343.

lands in Georgia, the stipulated price being forty-seven thousand four hundred and ninety-one dollars—and thus a temporary calm to this irritating question was effected.

Amendments to the Constitution of the United States were again proposed, and the favorite object of the reformers now seemed to be that the President should not be re-eligible. Mr. Smyth, of Virginia, proposed this, and some others, disqualifying Electors and members of Congress from receiving appointments; and the Legislature of New York recommended the like amendment.

The effect of these increasing attempts to prevent the election from being again made by the House of Representatives was to keep alive the feeling that the popular sentiment had been grossly thwarted by the preference given to Mr. Adams over General Jackson, whether that fact constituted any part of the real motives of those who proposed those amendments, or not.

In the course of the summer, Mr. Clay, by way of silencing the calumny that he had intrigued for the office of Secretary of State, published a pamphlet, in which he had the testimony of nearly every member of the Ohio delegation, and most of those of Kentucky, who declared that they had no knowledge of any fact that in any degree favored the accusation, which they believed to be utterly groundless; and also the testimony of several witnesses, and among them that of General La Fayette, and Mr. Crittenden, of Kentucky, a political friend of General Jackson, that Mr. Clay had declared to Mr. Crittenden before he left Kentucky for Congress, and to La Fayette before General Jackson's interview with Mr. Buchanan, that in the event of a contest between Mr. Adams and General Jackson, he should vote for Mr. Adams. Mr. Benton, also a friend of General Jackson, voluntarily stated that Mr. Clay made the same declara-

tion to him, about the eighteenth of December. Who then, he asked, could believe for a moment that, after such declarations to friends whose good opinion he would not wish to forfeit, and to political opponents, whose taunts he would not expose himself to, he ever could have been brought to vote for General Jackson, and especially if he was afterwards to take office under him?

The navigation of the St. Lawrence, which would be a valuable outlet to the people of the United States settled on the great lakes, and in the western part of New York, had been long denied the United States; and it was thought that as those people occupied a part of its banks, and one-half of those waters which are connected with it, they had a strong claim to its navigation, on principles of general and national law.

On the seventh of January, the President, in compliance with a resolution of the House of Representatives, transmitted a message on this subject, with the correspondence between the Ministers of the United States and Great Britain relative to it.

In June, 1823, Mr. Adams, as Secretary of State, wrote to Mr. Rush, then Minister to England, in which he maintains that the right of navigating the river is a right of nature, which another nation cannot annihilate, and that he was instructed to confer on the subject. This navigation had been conceded by two acts of Parliament, from the upper portions of the river to Quebec, and from the ocean to Quebec, but giving to the colonial Government the power to withdraw the last concession.

Mr. Rush accordingly advanced the claim, but the British Government replied that they might be induced to concede the navigation for an equivalent, but that, as a matter of right, the claim was entirely novel, and altogether inadmissible. This ground they did not abandon,

on the arguments either of Mr. Rush or Mr. Gallatin, who succeeded him, and who was very fully instructed by Mr. Clay on the subject; and the right of navigation was claimed, not merely on general principles as a right of nature, but under the particular circumstances of the case: that the great extent of the lakes, with the large and still increasing population on its shores, gave to the St. Lawrence the character of a strait connecting two oceans or seas, rather than of a river: that its navigation was of immense benefit to those who sought it, but that it could be of little importance to Great Britain to refuse the concession. The British Ministers were immovable on the subject, and the West India trade being then also a matter of controversy, Mr. Gallatin recommended that the claim to the navigation of the St. Lawrence should not be pressed at that time.

In February, Mr. Wilde, of Georgia, offered a resolution calling on the President for copies of any correspondence between the Government of the State of Georgia and the Executive of the United States, touching the formation of a new government by the Cherokee tribe of Indians within the States of North Carolina, Georgia, Tennessee, and Alabama; and also for the correspondence between any department of the Executive and any officer of the United States, or of any State or Indian tribe, showing the extent to which such new government has been recognized by the Executive, and how far it is considered as changing the relations heretofore existing with the said tribe; together with the agency which white men may have had in forming the same, and several other particulars of information relative to the same subject: "showing the necessity of further legislative provision to aid in carrying into effect the convention of 1802 between the United States and

Georgia, by extinguishing the Indian title to lands in Georgia, in conformity with the terms thereof, as well as any information exhibiting the expediency of further legislation for the purpose of confining the Indians to hunting-grounds assigned to them, and preventing their intrusion into the white settlements, without a regular passport from the agent of their respective tribes."

This resolution was afterwards adopted, and on the twenty-first of March the President sent a report from the Secretary of War, in compliance with it.

Of all the questions before Congress at this session, no one excited the same interest, or occupied as much time, as that which laid additional duties for the encouragement of manufactures, especially those of wool. It was warmly opposed from the beginning, and an elaborate report was made against it by Mr. M'Duffie, as Chairman of the Committee of Ways and Means. It finally passed the House, on the fourteenth of April, by one hundred and five votes to ninety-four; but it was a good deal modified from the form in which it was first reported, and indeed from that which was satisfactory to its friends — all the Southern States voting against it, and Massachusetts opposing it by eleven out of fifteen votes, New Hampshire and Maine voted unanimously against it, while Rhode Island and Connecticut were equally divided. It seems that the shipping interest then greatly predominated in New England over that of manufactures. On the twelfth of May, it passed the Senate by twenty-six votes to twenty-one.

By this bill, the duty on bar-iron was raised from one cent per pound to thirty-seven dollars per ton; on unmanufactured wool, four cents per pound, with an addition of forty per cent. *ad valorem*, with an annual additional increase; on woollen manufactures, forty per cent.

*ad valorem*; on hemp, sixty dollars per ton; on flax, thirty-five dollars; on molasses, ten cents per gallon. The duties were also raised on distilled spirits, window-glass, and sail-duck.

Next to this bill, the thoughts and efforts of the members seem to have been chiefly directed to the approaching election of President; and indeed the tariff, as well as the Harrisburg convention, was alleged by its opponents to have regarded the manufacture of a President more than any thing else.

Congress adjourned on the twenty-sixth of May, and the members dispersed to engage in the interesting canvass then going on for the office of Chief Magistrate. There were but two candidates—President Adams, and General Jackson; and while the Cabinet were sanguine in their expectation of Mr. Adams's re-election, the Opposition entertained no doubt of General Jackson's success.

A convention had been entered into in September, 1827, between the United States and Great Britain, that the points of difference between them relative to the north-eastern boundary should be left to the decision of such friendly sovereign or State as the parties should agree on; and since the documents were so voluminous, the parties were allowed fifteen months after the exchange of ratifications to make their respective statements of facts. The maps to be used were particularly mentioned, with some other provisions for a fair adjustment of the controversy.

A citizen of Maine living in the territory near the north-eastern boundary, having resisted the British surveyor, he was arrested and thrown into prison; and on the representation of the facts by the Governor of Maine, Mr. Clay addressed a letter to Mr. Vaughan, the British

Minister to the United States, on which a correspondence arose on the subject. They differed about the fact of the possession of this territory — Mr. Clay maintaining that it was in the possession of the United States, and Mr. Vaughan that it was in that of the authorities of New Brunswick. It seems that British subjects had settled on the Madawasca, and after the year 1790 the Provincial Government had made grants of lands in that settlement; but it did not appear that the State of Massachusetts had any knowledge of these grants, and the voluntary settlements could not affect her title. As late as 1820, the inhabitants of the settlement were reckoned in the census of the population of the United States. As John Baker, the citizen arrested, settled outside of the Madawasca settlement, the jurisdiction claimed by New Brunswick could not extend to him. Mr. Clay was, therefore, charged by the President to demand Baker's immediate liberation, and a full indemnity for the injury he had sustained. Nor could the President view with satisfaction the jurisdiction of the Provincial Government over the Aristook, which settlement was made about six years ago, partly by American and partly by British subjects. The former supposed they were on American ground. This proceeding cannot be reconciled with that mutual forbearance which both Governments agreed to observe within the disputed territory.

Mr. Vaughan replied that the limits of the disputed territory were still undefined, and after several fruitless attempts at negotiation, they remain to be settled by a reference to a friendly sovereign. In the mean time, he thinks that the sovereignty and jurisdiction continue with Great Britain; though he admits that there was some uncertainty about the limits of Acadia (which is now New Brunswick): but he cannot acquiesce in the

pretensions of Massachusetts to the territory of Madawasca, which lies to the north of the St. John's. It remains to be seen, when the north-west angle of Nova Scotia shall be determined, whether the boundary line between the two countries will intersect any portion of the Madawasca territory ; but that the claims of neither country could be affected by these settlements : that the taking of the census, to which Mr. Clay refers, was regarded as an encroachment, and became the subject of remonstrance.

Mr. Baker's outrageous conduct, in stopping the mail, made him amenable to the laws. He knew he was within the jurisdiction of New Brunswick, as he had received the bounty upon corn there raised. A moderate bail was demanded of him, which he refused to give. As to the exercise of jurisdiction, he says Mr. Clay will admit that no part of the disputed territory can be left without the control of any civil authority. All settlers on it are amenable to the British laws until the right is settled. The Governor has refused to make grants of land. He hopes the course now resorted to will for ever put to rest this question of boundary.

Mr. Clay's next letter denies that the sovereignty and jurisdiction of the disputed territory rest with Great Britain. He says that, at the date of the treaty of 1783, Great Britain had no actual possession of the disputed territory, and that both parties now assert their right to it under that treaty, and both agree to refer the question to the decision of a common friend. Until that decision is made, neither party should assume sovereignty or jurisdiction over the territory.

He does not justify the conduct of Mr. Baker, who ought to have applied to his own Government ; but his conduct is very different from the purposed violation of

the undisputed rights of Great Britain. He denies that he was amenable to the laws of New Brunswick, whose Governor, in undertaking to decide a national question, has committed the error ascribed to Mr. Baker, and who ought to have followed the example of Sir Charles Bagot, on a similar occasion, and have represented the case to the Government of the United States.

Mr. Vaughan, without receding from the ground he had taken, concludes the correspondence by saying that he should represent the affair to his Government.

Just before Congress rose,<sup>1</sup> a select committee made a report on French spoliations before the year 1800, which had been the subject of numerous memorials and petitions to Congress at the present and preceding sessions.

The committee give a history of these claims, and of the treaties with France, beginning with that of 1778, of which several articles are cited as applicable to the present subject.

After the British treaty of 1794, France alleging that its provisions conflicted with the engagements of the United States to her, disregarded her treaties with them, and made captures of their ships and cargoes. The United States, in retaliation, authorised the capture of French armed vessels, and did capture eighty-four French vessels, of which sixty-eight were condemned. The spoliations of France gave a right to the American citizens to indemnity, independent of any treaty.

In the negotiation which took place in 1799, the subject of indemnity for these spoliations was discussed, and a reciprocal relinquishment having been proposed by France, to which the American Envoys were unwilling to consent, the second article of the convention stated that the parties not being able then to agree concerning

<sup>1</sup> May 24th.

the interpretation of their several previous treaties, (the American Envoys wishing the United States released from some of their obligations, to which the French would not consent), nor upon the indemnities mutually due or claimed, "the parties will negotiate further on these subjects at a convenient time;" and until such agreement, the said treaties and convention shall have no operation.

The Senate, when it ratified this convention, struck out the second article, and limited the convention to eight years. While the French Government assented to this modification of the convention, it expressly declared that, by the expunging of the second article, the two States renounce their respective pretensions.

The American claimants were, from that period, deprived, by the act of their Government, of all right to indemnity from France. They do not complain that the Government applied their claims to purchase an exemption from onerous obligations, but they insist that the national faith entitles them to remuneration. It is analogous to the Government taking possession of private property for public purposes — when the right to compensation is secured by the Constitution of the United States.

These claims are unaffected by the well or ill-founded justifications of the French for their captures. In the one case, they should not suffer from the lawless conduct of France; and in the other, from the violation by the United States of their engagements to France. They conclude with offering three resolutions :

That, at the conclusion of the convention between the United States and France, in 1800, there were large and just claims due from the French Government to citizens of the United States for spoliations on their commerce.

That, by the terms of that convention, the United

States relinquished the said claims, and released the French Government from the payment thereof.

That it is proper and expedient for the United States to make just compensation to those to whom the said claims are due.

These claims continued, for many years afterwards, to be the ground of renewed applications to Congress, without any other consequence than to prove a fruitful topic of unavailing discussion.

In the Presidential canvass, every engine, of course, for influencing popular sentiment was put in operation by both parties. The late tariff act was greatly used, in the Southern States, to excite the public indignation. It was assailed by legislative bodies when in session, and by meetings of individuals during the recess of the State Legislatures. The injustice and oppression of the measure, and its unconstitutionality, were pronounced sufficient, by the more violent, to justify a dissolution of the Union. As the States in which these arguments had influence were generally friendly to General Jackson, it does not seem probable that the hostility to this law had much influence on the election: yet it must have had some—since such agitation was well calculated to animate the zeal of the citizens of the country; and by the locomotive habits of the American people, the effects of such zeal would be more or less felt in every part of the Union.

But not confining themselves to the political doctrines, or the particular measures advocated by the respective candidates, their individual characters were assailed, all their personal qualities were subjected to criticism, and every aspersion on their character or conduct, no matter whether well-founded or not, was diligently hunted up

and circulated through the thousands of channels afforded by the public press.

This is one of the inconveniences, amidst its numerous benefits, that must ever attend a popular government, and an unfettered press. No degree of purity or caution that is compatible with notoriety can secure a public man from slanderous imputations; and as the people are at once very rigorous in their exactions concerning the integrity of their agents, and very suspicious of them, they are apt to be charged with sacrificing their duty to their interests. Thus, as we have seen, Mr. Clay was accused of having bartered his vote in the Presidential election, for office; Mr. Crawford, of sacrificing the public money, to gain favor in the West; Mr. Calhoun, of sharing in the illicit gains of a contract made with his own Department; and now Mr. Adams, who had been charged with feebly or negligently defending the interests both of the West and the fisheries, after he had triumphantly defended himself, was charged with a dishonorable transaction with one of the Washington banks: and General Jackson not only was accused of cruelty, in improperly ordering six men to be executed, but also with impugning a man's title to a piece of land after he had advised him to purchase it, and in afterwards seeking an advantageous purchase of it himself. Indeed, such charges as these were known to be so general against all candidates for high office, and the General's temper and discretion in defending himself were so much distrusted, that his friends, under the pretext of relieving him from an irksome labor, formed a committee for the express purpose of defending him against all attacks from his enemies, which his adversaries, in derision, styled his "white-washing committee."

But the worst charges against him weighed as a

feather, compared with those brought against Mr. Clay and Mr. Adams, with the multitude, countenanced as they were by the numerous adherents and supporters of Mr. Crawford, Mr. Calhoun, Mr. Van Buren, and General Jackson himself; and it turned out that, by reason of the disparity of force, General Jackson received one hundred and seventy-eight of the two hundred and sixty-one Electoral votes; and Mr. Adams but eighty-three, not quite half.

In consequence of the death of General Brown, the place of Commander-in-chief of the army was vacant; and General Scott and General Gaines having received their commissions on the same day, had equal claims to the office on the ground of seniority. To avoid the decision of this delicate question, the Government appointed General Macomb, the senior Brigadier-general, to the office, which so displeased the friends of Scott and Gaines, as to occasion an effort to take away the office altogether. A bill was introduced in the House to abolish the office of Major-general. It passed, after much debate, by one hundred and six votes to seventy-three,<sup>1</sup> but failed in the Senate.

In conformity with a resolution of the Senate,<sup>2</sup> the Secretary of the Navy — Mr. Southard — made a report on the difficulty of obtaining seamen for the Navy, its causes, and the remedy. He considers the causes to be the inferior pay allowed to the seamen; the failure to recall the ships when the term of enlistment expires; their enlisting in the service generally, instead of particular ships; want of hospitals; and the number of foreign seamen in the service. He does not think increase of pay necessary, but recommends that the con-

<sup>1</sup> Register of Debates, for 1827-8, page 2695.

<sup>2</sup> May 20th, 1828.

tracts with the seamen be scrupulously fulfilled; that hospitals be established; and that the employment of foreigners be discontinued as rapidly as possible: that the merchant-ships be recommended to carry boys, at least one for every one hundred tons, and a system of enlisting boys as apprentices.

One of the modes by which the Opposition sought to injure the Administration with the public, was to represent it as wanting economy, for which the plan of public improvements formed the only colorable ground. With this view, a retrenchment committee was got up; and they gravely inquired of the different Secretaries if the expenses of their several offices could not be diminished, to which they all returned answers in the negative.

On the first of December, Congress met at the time appointed by the Constitution; and on the same day, received the President's opening message.

He commences in the customary style of national congratulation on the health, abundance, and general prosperity of the country.

After noticing the war between Russia and Turkey, he passes to our foreign relations. Those with France continue as they were. Our last advices give us hopes of indemnity to our citizens.

For the adjustment of the north-eastern boundary with Great Britain, the King of the Netherlands has been selected as the umpire, and the proposal will soon be made to him.

The commercial relations between the two countries require a conciliatory and forbearing spirit on the part of Congress. Under the interdiction of all direct trade between this country and her colonies, our exports, revenue, and navigation, have suffered no decrease. The colonies pay more dearly for the necessaries of life, thus

burdened with the expense of double voyages, and the profits of our exports are somewhat impaired. Other measures, bearing upon the navigation of the United States, have been adopted, which it may be necessary for us to counteract.

A treaty has been made with the Emperor of Austria, on the same liberal principles which we have always cherished, and from which we have never departed but in self-defence. The United States, in offering free trade to all nations, have been compelled to acquiesce in many exceptions, accommodated to the circumstances of the other parties.

With all the colonies of European nations on this continent we have free trade, except with those of Great Britain, who, after making approaches to a free and liberal intercourse, has revived the spirit of exclusion against the United States alone.

The mutual abolition of discriminating duties having taken place in the direct intercourse between this country and Great Britain, and also by treaties with France, Sweden, Denmark, the Hanseatic cities, Prussia, and with the Republics of Colombia and Central America, there is reason to expect that it will be adopted by all nations, and thus one of the chief sources of war be extinguished.

The claims of indemnity against Denmark are, in pursuance of a pledge long since given, in a fair way of being settled.

Our relations with the other American States are friendly, but there are dissensions among themselves. Peace has, however, at length taken place between Brazil and Buenos Ayres.

The revenue has exceeded the most sanguine expectations. It is estimated at more than twenty-four

millions of dollars. At the end of the year, the public debt will little exceed fifty-eight millions.

He states it to be a law of prosperous commerce, that the value of the exports should, to a small extent, exceed that of the imports, the difference being a permanent addition to the wealth of the nation.<sup>1</sup> From present appearances, the exports for the next year will increase, and consequently the imports and revenue.

He justly remarks that the great interests of an agricultural, commercial, and manufacturing town are so linked together, that every permanent cause of prosperity to one must extend its influence to the others.

In referring to the affairs of the War Department, he enters more at large on the relations of the United States with the Indian tribes. The course adopted towards them by this country has been more liberal than that previously adopted by European States; and was intended to prepare them, by civilization, to be incorporated in our own institutions: but when we have had the "rare good fortune" of teaching them the arts of civilization, and the doctrines of Christianity, we have unexpectedly found them, in the midst of ourselves, forming communities claiming to be independent of ours, and the rivals of sovereignty within the territories of the members of our Union. This, he says, requires a remedy.

<sup>1</sup> The modern political economist may be somewhat surprised to find the President reviving a doctrine, the fallacy of which Adam Smith had shown fifty years before, and maintaining a theory of commerce which is the reverse of truth; since no nation can derive a profit from commerce, unless it receives more in value than it parts with; and in its exchanges with other nations, there is commonly a *creation* of value, from which each party gains. But, in truth, Mr. Adams's knowledge, though various and extensive, was, in the philosophy of trade, as well as in political arithmetic, strangely deficient.

The report of the Secretary on this subject is recommended.

He notices the operations of the engineers on the fortifications, as well as the surveys for roads, canals, and other public works, for the particulars of which he refers to the reports of the engineers, with the expenditures, amounting in all to two millions two hundred thousand dollars, besides several others having specific appropriations, showing the munificence of the nation in improving its own condition.

Of all these national undertakings, he regards the Military Academy at West Point as the most important. "It is the living armory of the nation." This has the advantage over the rest, in enlarging the dominion and extending the capacities of the mind.

The operations of the navy in the different seas, and the measures adopted for its gradual improvement, are briefly noticed.

From the sales of the public lands within the year, near two millions of dollars have been received. The attention of Congress is invited to the subject of the next census. He recommends that the returns be made at an earlier day than the first of August. He also recommended that it should take an account of the manufactures of the country, and an increase in the number of classes of the population according to age.

He made no allusion to this being the last session of his Administration, which, perhaps, was becomingly pretermitted, since it was not easy to allude to it without some expression indicating approbation or disapprobation, either of which would have subjected him to criticism.

In consequence of a resolution of the House, the President sent to that body, on the fifteenth of December,

an account of the measures of the Administration for the recovery of fugitive slaves from Canada. Mr. Gallatin had been instructed to propose a mutual surrender of deserters from the military and naval service, and of such fugitives. He adhered to his instructions. Mr. Huskisson replied that such fugitives were no acquisition to Canada, but there would be practical difficulties in the way from the courts and the British abolition associations. The subject was again pressed by the American Envoy; but their objections were afterwards more decided, and their refusal was absolute. Mr. Barbour afterwards received instructions to renew the application, which was done, with the same result—Lord Aberdeen stating that a surrender of such fugitives would be altogether inconsistent with the emancipation of their slaves. He added, however, that one of the Ministry intended to bring the subject before Parliament, when he hoped the evil complained of would be obviated, for “he could not conceive that any people would wish to see their numbers increased by such subjects.”

General Scott having, in a way deemed disrespectful, opposed the course of the President in appointing General Macomb to the chief command, he was suspended from the command of the Western department of the army. He wrote a pamphlet, stating all the correspondence that had taken place on the subject, with the view of petitioning Congress for a declaratory law on the subject. A memorial was accordingly presented by the General.

After the passage of the tariff bill, the excitement in the Southern States generally, but especially in South Carolina and Georgia, knew no bounds; and their Legislatures did not hesitate to declare the act to be unconstitutional, as well as unjust and oppressive, and conse-

quently that it was not obligatory on the States, if they thought proper to resist it.

The President, by a special message in answer to a resolution of the House, on the second of January, informed the House of a systematic plan, on the Canadian line, to defraud the revenue. He says these intended frauds had made it expedient to send additional troops to the Niagara frontier, but that any further employment of a regular force did not appear to him at present necessary.

It would seem, from a correspondence between Mr. Mitchell, of South Carolina, and some of his colleagues, that Mr. Hamilton, one of the same delegation, had proposed, after the passage of the tariff bill, that they should all secede from Congress, which was opposed by Colonel Drayton. This gave rise to a correspondence between Messrs. Hayne and Mitchell regarding the extent to which the delegation were disposed to go—Mr. Mitchell contending that some of them avowedly looked to a dissolution of the Union as the remedy; and Mr. Hayne denying positively that such was his purpose, or, as he believes, that of any of his colleagues.<sup>1</sup>

In consequence of several memorials and petitions to Congress against the transportation of the mail on Sundays, the subject was referred to a committee, of which Richard M. Johnson, of Kentucky, was chairman. They made a full report on the subject, in which they treated the proposed prohibition as highly inexpedient, and inconsistent with our general polity. They, however, see no objection to the post-offices being closed on Sundays, as is now the practice, and that this may be left to be controlled by public opinion, and the discretion of the post-masters. They conclude with a resolution, that the

<sup>1</sup> XXXV. Niles's Register, for 1829, page 184.

committee be discharged from the further consideration of the subject, which, after debate, was adopted.

It seemed, from the discussion on the amendment to the Constitution proposed by General Smyth, of Virginia, concerning the election of President, by which no one was to be re-eligible to that office, that he had addressed letters to particular individuals of the House, showing them, by calculation, how much their chance of being elected to the office would be increased by the proposed amendment; which letters were mentioned in debate by J. C. Wright, of Ohio, and condemned as being a species of bribery. The fact was admitted by Mr. Smyth, but the injurious inference was repelled.

Three days before the President's term expired, he was called upon, by a resolution of the Senate, to communicate the instructions to the Ministers to Panama. As the motion was made by a friend to the Administration — Mr. Webster — it was no doubt prompted by the wish to inform the public that there had been no foundation for the objections urged against that mission; that it was either of a beneficial or harmless character; that it had been opposed by the spirit of party, and by that opposition had been so delayed as to be frustrated, and to excite unfounded suspicion against the Administration. The call for those papers was, of course, resisted by the opposition party, and a vehement debate was the consequence. The resolution was laid on the table by a majority of one hundred.

The instructions were, nevertheless, communicated by the President on the third of March; and the objects which the Envoys were required to maintain and enforce appear to have been as follows:

They were, on no account, to jeopard the neutrality of the United States; nor were the United States to enter

into an alliance with any of the States represented at Panama. If insisted on, they are to refer the question to their Government.

To abolish war on private property, and to interdict privateering; free ships to make free goods.

The law of blockades to be defined.

Reciprocity in commercial intercourse, according to the two following rules:

First. That no American nation shall grant any favors in commerce or navigation to any foreign Power whatever, which shall not extend to every other American nation.

Secondly. That whatever may be imported into any American nation, or exported from it, in its own vessels, may in like manner be imported or exported from the same nation, in every other American vessel, all of which, whether national or foreign, to pay the same duties and charges. The reasonableness and benefits of both of which are fully enforced.

Another point was the position asserted by Mr. Monroe, that there were to be no new European colonies in America.

The possession of Cuba and Porto Rico to be continued to Spain. If the present contest lasts, there are three conditions, into one of which Cuba may fall, which are to be maturely considered:—First. It may become independent, and rely on its own resources. Second. It may be independent under the guarantee of other Powers. Third. It may be conquered, and annexed either to Colombia or Mexico. All of which being examined, and deemed liable to serious objections, the Envoys were instructed to prevent the meditated invasion of Cuba.

A connection between the Atlantic and Pacific across the Isthmus will also be a proper subject of consideration.

The best routes will probably be found in Mexico or the Central Republic. If the work should ever be executed so as to admit the passage of sea-vessels, the benefits ought not to be appropriated to any one nation, but be extended to all nations, on the payment of reasonable tolls. What should be aimed at, at present, is to ascertain the practicability of the connection, and the probable cost.

The recognition of Hayti as an independent Power may be discussed. The President is not now prepared to say that it ought to be. In her late arrangement with France she seems to have surrendered an essential part of her independence.

A free toleration of religion is to be urged.

The Ministers are to take every opportunity of encouraging and strengthening the cause of republican government; for though the United States have never been animated by the spirit of propagandism, they are not indifferent to the subject. The Envoys will take every opportunity of confirming them in their political faith, and of urging their duty to reject all foreign dictation in their domestic concerns.

The Congress adjourned from Panama to Tacubaya, where it never met. The monarchical power assumed by Bolivar changed his sentiments towards that Congress, and contributed to prevent its again assembling. But though these instructions were unproductive of their intended results, they are monuments of the wise, liberal, and far-sighted views of Mr. Adams and Mr. Clay, of whom no doubt these instructions were the joint work.<sup>1</sup>

Mr. Webster's resolutions gave rise to much debate, on

<sup>1</sup> Mr. Poinsett, Minister to Mexico, was appointed with Mr. Sergeant on this mission, after the death of Mr. Anderson; and in case Mr. Sergeant did not attend, the duty devolved wholly on Mr. Poinsett.

the ground that it produced much excitement, and that the application, if made at all, had better be to the new Administration. Mr. Hayne also opposed it. The resolution was laid on the table by twenty-three votes to twenty-two.

On the third of March, the President sent a copy of the instructions to the Senate, with a request that it be sent to the House. The motion to print them was negatived by twenty-four votes to eighteen. The papers were, by a majority of twenty-five votes to sixteen, transferred from the legislative to the executive side of the Senate.<sup>1</sup>

An office of a less grateful character had devolved upon the President, in vindicating himself from the charge of having cast unjust aspersions on his countrymen, and former political associates, the Federalists of Massachusetts. The correspondence into which he was drawn on the subject thus originated :

In consequence of an application from one of Mr. Adams's friends in Virginia to the executor of Mr. Jefferson, a letter from that statesman to Mr. Giles, in 1825, was published, in which letter he states the particulars of Mr. Adams's interview with him to satisfy him of the expediency of repealing the embargo, on account of the great and still increasing disaffection of the Federalists in New England.

In Mr. Adams's comments on this letter, after showing that Mr. Jefferson, from that failure of memory of which he himself speaks, had fallen into inaccuracies, gives his own version of his interview with Mr. Jefferson, and of the representations then made to him.

The publication of these letters produced great excitement among the Federalists of Massachusetts, and a

<sup>1</sup> XXXVI. Niles's Register, for 1829, page 71.

number of them decided on calling on Mr. Adams for an explanation. He was accordingly addressed on the subject by a letter<sup>1</sup> from Messrs. Harrison G. Otis, Israel Thorndike, Thomas H. Perkins, and ten others. They referred to his own account of his interview with Mr. Jefferson, in which he had said, that, "in the event of a civil war, he had no doubt that the leaders of the party would secure the co-operation of Great Britain: that their object was, and had been for several years, a dissolution of the Union, and the establishment of a separate Confederacy; which," he added, "was known to him from unequivocal evidence, though not provable in a court of law." The writers therefore call upon Mr. Adams to name the leaders of the party to whom he had referred, and to state the whole evidence on which his charge was founded, that they may have an opportunity of refuting it.

Mr. Adams replied to those gentlemen on the thirtieth of December. He said that he could not recognize them "as the leaders of a great and powerful party dispersed through the States of Massachusetts and Maine:" that he had expressly acquitted the great body of the Federal party not only of participating in the designs of the leaders, but of being privy to their existence; and he reminds them of his previous declaration, that he had no proof which would be deemed sufficient in a court of law: that the design of *certain leaders* of the Federal party to dissolve the Union, and establish a Northern Confederacy, had been formed in the winter of 1803-4, as a consequence of the acquisition of Louisiana, which was regarded as unconstitutional, as forming a new Confederacy, and as destructive to the influence of the Northern States: that it had been proposed to an individual to

<sup>1</sup> Dated November 26th, 1828.

permit himself to be placed at the head of the military movements. He aimed to show that the preliminary measures of disunion were nearly consummated while he was abroad, but that the restoration of peace averted the most deplorable of catastrophes, and extinguished, he hoped, for ever, the projected New England Confederacy.

The same Federal gentlemen then appealed to the public at great length in their own vindication. After some severe comments on the course pursued by Mr. Adams, they disavow all knowledge of any project in 1803-4 to dissolve the Union. They deny that there was any connection between their opposition to the embargo and to the acquisition of Louisiana: that Massachusetts, under all her suffering from the embargo and the war, clung to the Union, as the ark of her safety, and defended herself at her own expense. They take especial pains to justify the purposes and acts of the Hartford Convention, which they affirm to be "not only constitutional and laudable, but sanctioned by an act of Congress passed after the report was published."

To conclude this subject, it may now be mentioned that, soon after Mr. Adams went out of office, there appeared in a public journal<sup>1</sup> strong evidence to sustain the charges which he had brought against certain Federalists in Massachusetts.

The first was a letter from William Plumer, formerly a Senator from New Hampshire, and afterwards Governor of that State. He affirms positively that, in 1803-4, he was a member of the Senate of the United States, and that several of the Senators and Representatives from New England informed him that they thought it necessary to establish a separate government, and if

<sup>1</sup> Niles's Register.

practicable, to extend it so as to include Pennsylvania. They complained that the slaveholding States had acquired a greater representation in the House than was just.

Their plan was, after securing a Governor and Legislature favorable to a separation, to refuse to elect members of Congress or Senators, and to establish custom-house officers to grant clearances. They thought that their purpose might be effected without resorting to arms.

He was informed that arrangements were made to have a select meeting of Federalists at Boston in the following autumn, to consider and recommend the measures necessary for forming a system of government, and that Alexander Hamilton had consented to attend the meeting.

After he returned home, he found a great majority of the Federalists of New Hampshire opposed to the project, and from the inquiries he made, the result appeared to be the same in Massachusetts. He learned, in the winter of 1804-5, that the proposed meeting in Boston had been prevented by the death of General Hamilton, but that the project was not abandoned.

He adds that he himself was then in favor of forming a separate government, but was afterwards convinced of his error; and when the same project was revived in 1808-9, and afterwards during the war, he used every effort to defeat the attempt.

An extract from a sermon preached at Boston, in July, 1815, by an eminent clergyman connected with the leaders of the Federal party, shows the same spirit. He says, "the Union has been long since virtually dissolved, and it is full time that this portion of the *disunited States* should take care of itself. But this, as Mr. Burke expresses it, is a high matter, and must be left to the united wisdom of a *Northern and Eastern convention*."

Then follows an extract from the journals of the Hartford Convention, showing that a dissolution of the Union was contemplated by that body.

In answer to an inquiry from James A. Hamilton to Mr. Adams as to the evidence that General Hamilton consented to attend the meeting at Boston, in the autumn of 1804, he says that he gives entire credit to the statement of Mr. Plumer, as to the information he had received. He further believes that General Hamilton had consented to attend that meeting; but he further believes it was for the purpose of prevailing upon the favorers of a separate Confederacy to abandon their scheme.

It is gratifying to find that those who thus regarded the union of these States so lightly, by reason of the abatement of their relative influence in the government, and of the temporary injury to their pecuniary pursuits, brought about by the lawless aggressions of foreign nations, found themselves afterwards compelled to pay a reluctant homage to the value of that very Union by stoutly denying that they ever meant to impair it. In this way, vice and error find themselves ever compelled, in self-defence, to become the vouchers and supporters of truth and virtue.

On the third of March, Mr. Adams's Presidential functions terminated, and probably he was influenced by his recent unpleasant correspondence with some of the principal men of Boston not to return to that vicinity, but to continue in Washington, which he made his home for some time afterwards.

His Administration was, from the beginning to the end, unremittingly assailed by the most numerous and the strongest opposition that any Administration had experienced. A majority of the House of Representa-

tives, and almost one-half of the Senate, were its open, uncompromising opponents; and little else was done of a national character in Congress, during his administration, than to thwart and disappoint its views and purposes. The Ministers to the Congress at Panama, so likely to improve the good understanding between this country and the new Republics, which the recognition of their independence had begun, and which might secure to the United States valuable commercial advantages, was thus opposed with so much perseverance, and its decision was so protracted, that the Congress was held and adjourned before the American Envoys could attend. And the same factious spirit which sought to defeat the mission afterwards opposed the publication of the instructions prepared for the Ministers, aware that such publication would at once show how groundless had been the opposition, and the statesman-like ability, judgment, and prudence with which those instructions had been drawn.

The strength and final efficiency of the opposition further showed that the election of Mr. Adams having been opposed—as was generally believed<sup>1</sup>—to the will of the majority of the people, could not be sustained against that belief.

Of the Administration it may be said, that it cannot boast of achieving any thing of importance to the public welfare; but the fault of this is to be shared with its opponents. Its system of national roads and canals, if executed, would have contributed a large increase to the national wealth; but that it would have had an injurious effect on the political institutions of the country, and destroyed the equilibrium between the General and State Governments, can scarcely now be questioned.

<sup>1</sup> This question, often mooted, is by no means clear.

The counteraction of the narrow and unjust policy of Great Britain, as to the trade of her West India colonies with the United States, might have been successful, if it had received the cordial support of the members of the Opposition, who, on such a question, ought to have been superior to party motives. In all that was independent of the Legislature the Administration seems to be entitled to unmixed praise.

A greater economy in the disbursement of the public money prevailed than before or since; and in public appointments, the qualifications of the functionary were scrupulously looked to. No Administration could have acted with more purity or uprightness.

In its relations with the Indians, it firmly maintained the rights of the aborigines against the high-handed measures of Georgia; to whom, however, it showed a degree of forbearance and conciliation which may be thought, by some, to have compromised the dignity of the nation's representative.

Mr. Adams furnished a striking illustration that, when the President of the United States does not possess the popular favor, whatever he does is sure to be condemned. If his measures have boldness, they provoke resentment; if they aim at conciliation, they excite contempt. Nay, even his good qualities are misunderstood and perverted. His liberality in his household is attributed to ostentation, and his plainness of dress to parsimony. His knowledge is pedantry, and his scrupulous morality is puritanical dissimulation. Should he, in his public addresses, indulge in forced conceits, as Mr. Adams sometimes did,<sup>1</sup>

<sup>1</sup> As when he called observatories "light-houses of the skies," and introduced Voltaire's "Ebony and Topaz" in an address to the citizens of Baltimore. In speaking of this, Mr. Clay, who so well knew the penalty Mr. Adams paid for such crotchets, said to another member of the Cabinet, "How are we to get along with this man?"

he suffered as much in the public estimation for bad taste as was due to errors in statesmanship.

The Administration clearly showed the utter inability of the Federal Executive, with all its patronage and influence, to change the public sentiment, or even to maintain its own power. When Mr. Adams went into office, he was supported by a large minority of the nation; and after wielding the power and patronage of the Executive for four years, with an able Cabinet to advise and support him, that minority was diminished, instead of being increased. Hence the mere power given by the laws and the Constitution is not of that formidable character which has been apprehended by some speculative politicians.

The American Medical Association is a non-profit corporation organized for the purpose of promoting the interests of the medical profession and the public. It is composed of members who are physicians and surgeons, and who are organized into local, state, and national associations. The Association is organized into a hierarchy of committees and subcommittees, which are responsible for the management of the Association's affairs. The Association's primary concern is the promotion of the highest standards of medical practice, and the improvement of the medical profession's public relations. It is also concerned with the advancement of medical science, and the improvement of the medical profession's economic position. The Association's activities are carried out through a variety of means, including the publication of journals, the holding of conferences, and the provision of educational services. The Association's financial resources are derived from the contributions of its members, and from the sale of its publications. The Association's income is used to defray the costs of its operations, and to provide for the advancement of its various programs.

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## APPENDIX.

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THE following letters were published in the *National Intelligencer* of the twentieth of December, 1845 :

*Edward Coles to Albert Gallatin.*<sup>1</sup>

PHILADELPHIA, November 12th, 1845.

MY DEAR SIR:—From the position I occupied for many years as Secretary to President Madison, as well as from my strong attachment to him, I take a deep interest in whatever concerns him. This must be my excuse for intruding in this way on you, the only surviving member of his Cabinet during the war of 1812.

I have not yet read Mr. Ingersoll's recent publication relating to that war. But I have read, and that too with great surprise, Com. Stewart's letter, published in the newspapers, pointing out errors in Mr. Ingersoll's book, in which I think the Commodore has fallen into some great errors himself. I will now call your attention to only one, which you, as the only surviving member of the Cabinet of that day, it seems to me, are called on to correct, as well from what is due to yourself as your colleagues, and to the history of the country. I allude to the statement of the Commodore, that it was formally, and after repeated deliberations, decided by President Madison's Cabinet to keep the American navy in port during the war, from an apprehension, if it went to sea, it would be captured by the enemy. Having no recollection of any such determination, and feeling confident, if such an extraordinary measure had been resolved on, that I should have recollected it, I am induced to call on

<sup>1</sup> Mr. Coles was the Private Secretary and confidential friend of President Madison during his Administration; and Mr. Gallatin was, during the same term, until his mission to Ghent, the Secretary of the Treasury, and of course a member of the Cabinet.

you to state what occurred in the Cabinet on this subject, and for your permission to show or make public your letter in reply.

With my kind regards and best wishes for the health and happiness of yourself and Mrs. Gallatin, I remain your sincere friend,

EDWARD COLES

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*Albert Gallatin to Edward Coles.*

NEW YORK, November 24th, 1845.

MY DEAR SIR: — A severe cold prevented an immediate answer to your letter of the twelfth, on the subject of Commodore Stewart's publication. He communicated his statement to me before he sent it to the publisher. I had two conversations with him on the subject, and addressed to him, on the sixteenth of October, a short letter, a copy of which is enclosed. This, so far as I was concerned, appeared to me sufficient; and I had not intended to say anything more on that particular point. Your appeal to me, in reference to Mr. Madison, compels me to be more explicit.

I repeat what I wrote to Commodore Stewart, viz.: that "I have not the slightest recollection of having ever assisted at any Cabinet Council where the propriety of laying up the public vessels during the war was discussed; or of having proposed that measure; or of its having been entertained by the Administration; or of Commodores Bainbridge and Stewart having remonstrated against it, and addressed a letter to the President on the subject. If, in point of fact, I was party or privy to any such transactions, all I can say is, that my memory has failed me much more than I am aware of."

I may have forgotten casual suggestions and conversations; but that I should not recollect such an important fact as a solemn decision by the Administration, twice ratified in Cabinet Council, to lay up the navy during the war, appears to be incredible; the more so, because it had been quite unusual to submit to the Cabinet the manner in which the land or naval forces authorised by Congress, and for which appropriations had been made, should be employed. This was arranged by the head of the Department, under the control of the President as Commander-in-chief. On no occasion was I ever consulted, in or out of Cabinet, on those subjects prior to the year 1812. And I have a lively recollection of the two occasions on which the President called us together in that year to deliberate on measures of that character: first, in March or April, on the propriety of sending a force to occupy the then insulated post of Detroit and vicinity, which was approved of under the

expectation of the impending war. But the amount of the force, the mode of execution, and all the details, were left entirely to the discretion of the War Department. Secondly, in August following, immediately after receiving the news of General Hull's disaster, when the subjects for discussion were the propriety of immediately creating a naval force on the lakes, and whether any attempt should be made, before this was effected, to recover Detroit and the lost territory.

You must be sensible that my evidence is, nevertheless, only negative; and, on that account, I will mention the circumstances and facts which seem to render it probable that the reminiscences of Commodore Stewart may not, in every respect, be as correct as he thinks them to be, or that he was misled by erroneous information.

We have three versions, which disagree either as to date or as to fact.

Dr. Thomas Harris published, in the year 1837, a life of Commodore Bainbridge, which I had not seen at the time of Commodore Stewart's publication, and which the author states to be founded on Commodore Bainbridge's private journals and extensive correspondence, close intimacy and conversations with him, &c. In this he says that Commodore Bainbridge, having arrived at Boston from Europe, in February, 1812, proceeded immediately to Washington, where he remained a few weeks during the deliberation of Congress on the subject of a declaration of war against Great Britain, and was ordered to the command of the navy-yard at Charlestown, Massachusetts: that, before leaving the seat of Government, he heard that, in a Cabinet Council, it was determined that our vessels-of-war should be placed in ordinary: that, having consulted with Commodore Stewart, they addressed a strong argumentative letter to the Secretary of the Navy, remonstrating against that measure: that this letter had its effect, and our men-of-war were permitted to cruise: that, having gained this important point, Commodore Bainbridge departed for Boston, whence he was, after the declaration of war, ordered to Washington to take command of the *Constellation*, and to fit her out with all possible despatch: that the order was obeyed: that, after directing the necessary repairs, he returned to Boston to make provision for his family, and that whilst there he was (on the resignation of Commodore Hull) appointed to the command of the *Constitution*.

According to Commodore Stewart, it was after, and not before the declaration of war, that the determination to lay up the public ships, and the revocation of that decision, took place. He states that he and Commodore Bainbridge arrived at Washington on the twentieth of June: that on the twenty-first they were shown by Mr. Goldsborough, chief

clerk of the Navy Department, a paper containing the orders, which had just been drawn, for Commodore Rodgers not to leave the waters of New York with his naval force: that, on the same day, the Secretary of the Navy informed them that it had been decided by the President and the Cabinet to lay up our vessels-of-war in the harbor of New York: that their interview with the President, and the confirmation of the said decision, took place on the same day: that, on the twenty-second, he and Commodore Bainbridge signed and presented their joint letter: that he obtained, on the same day, the command of the *Argus*, with instructions to proceed to sea, scour the West Indies and Gulf Stream, &c., and departed immediately, leaving Commodore Bainbridge at Washington: and that Commodore Bainbridge informed him, on his return to Philadelphia, that he had accomplished his purpose, that the ships were ordered to go to sea, and that the President had said that he would assume the responsibility. This revocation is stated to have taken place about the middle of July.

Mr. Goldsborough, the first clerk above mentioned, in a letter dated the fourth of May, 1825, written in answer to one addressed to him by Commodore Bainbridge, confirms the fact of the joint letter of the two Commodores to the Secretary of the Navy; and the date he assigns to it is subsequent to the declaration of war, and does not differ essentially from that given by Commodore Stewart. But, instead of saying that he had shown to those two officers a paper just drawn, ordering Commodore Rodgers not to sail from New York, his expressions are: "that the opinion that it would be rash to contend on the ocean with the enemy; that prudence required that our few ships should be laid up in some safe port, &c., prevailed too generally in that city; and that it was *confidently reported* that the majority of the Cabinet entertained the same opinion, and had come to the determination to lay up all our ships in New York, and to employ the officers and seamen of the navy in the ports on the seaboard: that he mentioned that report to the Commodores, and that very soon afterwards it was confirmed by one of the members of the Administration," (clearly by the Secretary of the Navy.) So far as relates to the interview with his first clerk, his communication to Commodore Bainbridge was made thirteen years after the incidents alluded to, and twenty years before Commodore Stewart's publication.

With respect to the acts and intentions of Congress, Commodore Stewart appears to me to be clearly mistaken.

He was under the impression that Congress had adjourned in April, 1812, and met again in June following for the purpose of declaring war; a mistake which he corrected on my showing him that that body did sit

without interruption from November, 1811, till the sixth of July, 1812. During that session two laws were passed respecting the navy. By the act of the twenty-fourth of February, 1812, two millions eight hundred thousand dollars were appropriated, in conformity with the estimates of the Secretary of the Navy, for the expenses, among other objects, of keeping in active service all the public vessels then in commission, viz. : four frigates, a corvette, three ships, and seven brigs or schooners, which appropriation proved amply sufficient. By the act of the thirtieth of March, 1812, the President was authorised to cause to be immediately repaired, equipped, and put in actual service, the frigates Chesapeake, Constellation, and Adams; and a sum not exceeding three hundred thousand dollars was, in conformity with the estimate of the Secretary of the Navy, appropriated for that object. That provision was carried into effect; but another inadequate annual appropriation of two hundred thousand dollars, towards rebuilding the Philadelphia, New York, Boston, and General Greene, was only partially applied — the three last mentioned ships having proved not to be seaworthy, and the provision for the Philadelphia-being apparently superseded by the act of the second of January, 1813.

It is quite true that, notwithstanding the report of the Secretary of the Navy, and that of the Naval Committee, Congress did not provide for any increase of the navy till after the triumphs of the year 1812. But there is an obvious difference between the amount of a naval force and the use to which it shall be applied. On this point no doubt was entertained at the time respecting the intentions of Congress. No member of that body expressed, within my knowledge, a wish or expectation that the ships should be laid up. The style of all the laws on that subject implies that they shall be actively employed. Above all, it cannot be supposed that, if intending to lock up the navy, Congress should, by their last act, have ordered three more frigates to be repaired and equipped for sea-service, and have incurred a useless expense of three hundred thousand dollars for that purpose. The inference drawn by Commodore Stewart from that erroneous assumption is inadmissible. The reverse is the case. To have confined voluntarily and permanently the public ships in some safe port would have been in direct opposition to the tenor of the laws, and to the intentions of Congress. That, as Commander-in-chief, the President may, according to circumstances, order vessels to cruise, or to remain in port, is true. But there is one thing which he is not authorised to do.

My name is mentioned as having proposed that our ships should be employed in the defence of New York, which, if I did, was a very silly

suggestion : since, ignorant as I am of military and naval affairs, yet I had always understood that frigates, whether in or out of port, could not stand seventy-fours, and that when in port they were protected by forts, not that they could be used to protect forts. In point of fact, though some additions were made afterwards, New York was, at the time when war was declared, already defended on the most simple common-sense plan, for which I would be at a loss to assign the author. Every one with whom I ever conversed agreed that, if ships-of-the-line succeeded in passing the outward defences (Governor's, Ellis's, and Bedlow's Islands), the only efficient way to defend the city was by forts, erected at convenient distances on the North River, both in the city itself, and on the opposite New Jersey shore. And it will be seen, by the report of the Secretary of War, of the third of December, 1811, that two of those forts were already erected. No naval aid but that of the gunboats was suggested ; and it was the general opinion of the officers consulted that, though useful in some cases, they could not, from various causes, render any efficient aid in the defence of the harbor of New York. As to the plan of dismantling the frigates, and converting them into floating batteries, having never heard it discussed, I can form no judgment of its practicability or efficiency. But it is the measure to which I have alluded, when saying that there were things which the President was not authorised to do. Congress has always reserved to itself the right, and exercised exclusively the power, to prescribe not only the amount, but the species of the military or naval force. The President might no more convert a frigate into a dismantled floating battery, than he might build seventy-fours under a law authorising the building of sixteen-gun ships, or raise a regiment of dragoons under a law authorising one of artillery. When Congress wanted floating batteries, they passed a law (March the ninth, 1814) for that purpose, designating them by that name.

There are also some facts and some acts of the Navy Department which it is difficult to reconcile with the supposition that there was, at any time, any determination by the Administration, adopted at meetings of the Cabinet, to lay up all the public ships in some port, and not to risk them at sea.

It appears certain that all the ships had been ordered, immediately before the declaration of war, to unite at New York as a common place of rendezvous. Commodore Stewart thinks that Commodore Rodgers sailed with his squadron on the twenty-first of June, without orders. That he had orders is, however, certain. In his letter of the first of September, 1812, to the Secretary of the Navy, he says : "The United

States, Congress, and Argus did join me on the twenty-first (June), with which vessels, this ship, and the Hornet, I accordingly sailed in less than an hour after I received *your orders* of the eighteenth of June, accompanied by your official communication of the declaration of war." These orders have not been published. In the meanwhile, it seems incredible that Commodore Rodgers should have sailed, if he had not been, at least, permitted to do it by those orders, or other previous instructions. Commodore Stewart was appointed to the command of the Argus on the twenty-second of June, for the express purpose of making a cruise in the West Indies. And Captain Porter, giving an account of his first cruise, in his letter of the seventh of September, 1812, to the Secretary of the Navy, says: "In pursuance of your orders of the twenty-fourth of June, I sailed from Sandy Hook on the third of July," &c. Thus three frigates and two smaller vessels put to sea on the twenty-first of June, after having received orders dated the eighteenth of June. Those to Commodore Stewart for a cruise are of the twenty-second. Those of Captain Porter, to sail on a cruise with a frigate (*Essex*), are dated the twenty-fourth. And yet the two Commodores were told that the determination by the President and Cabinet to lay up all the vessels had been adopted prior to the twenty-first, and was confirmed the evening of that day. In order to remove every doubt, it seems necessary that the orders of the eighteenth of June to Commodore Rodgers, and indeed all the orders issued by the Navy Department during the months of June and July, 1812, should be published. They must have been recorded, and although some loose papers may have been destroyed at the time of the capture of Washington, the records were saved, since Mr. Goldsborough appeals to them in his letter of the year 1825 to Commodore Bainbridge.

The strongest evidence adduced by Commodore Stewart is the statement of his interviews with the Secretary of the Navy. Owing to circumstances irrelevant to any question now at issue, my intercourse with Mr. Hamilton was very limited. He may have been inefficient; he certainly was an amiable, kind-hearted, and honorable gentleman. From his official reports he appears to have been devoted to the cause of the navy; and I never had heard him express opinions such as he is stated to have entertained on that subject. Yet his official instructions of the eighteenth of June and third of July, 1812, to Commodore Hull, which I saw for the first time in Mr. Ingersoll's work, evince an anxiety bordering on timidity, a fear to assume any responsibility, and a wish, if any misfortune should happen, to make the officer solely responsible for it. But, admitting Commodore Stewart's reminiscences to be entirely

correct, and putting myself out of question, it is clear that they do not affect Mr. Madison.

In the first interview of the Commodore with Mr. Hamilton, he enumerates, with great force, all the reasons that could be alleged against the public ships of the United States being able to escape capture or destruction by the British navy, and dwells on its superiority, not only in numbers, but in skill and experience. The contrast between him and the President is remarkable. In the interview with Mr. Madison he says to Mr. Hamilton that they ought not to despair of our navy, and that, though small, it would perform its duty; and, after hearing Commodore Bainbridge's observations, he adds: "It is victories we want: if you give them to us, and afterwards lose your ships, they can be replaced by others." In the next interview, late in the evening, with Mr. Hamilton, he states that the Cabinet still persisted in their opinion of laying up the ships, and that Mr. Monroe was the only member who advocated their being sent to sea. He then reiterates his objections, and expresses the remarkable sentiment, "that his conscience would never acquit him if, by sending our vessels to sea, the germ of our navy should be lost." It seems impossible not to infer that the Secretary of the Navy was the principal obstacle to the active employment of the public ships. Indeed, if he had, in that council, united his voice to that of Mr. Monroe, and supposing Mr. Eustis and myself to have been present, and to have taken the opposite side, the Cabinet would have been equally divided; and Mr. Madison, with such views of the subject as he entertained and had expressed, would, without hesitation, have decided in favor of the opinion of the Secretaries of State and of the Navy.

It is now claimed that the final decision of the President was almost wrested from him by the persevering interference of two meritorious officers. Yet it is somewhat remarkable that, amidst the universal exultation at the first naval victories, and the multiplied complaints from almost every quarter of the incapacity of the Administration — complaints which compelled the Secretary of War to resign — not a single hint or allusion should have appeared in any of the contemporaneous newspapers, or other publications, to the fact now asserted, that those naval exploits, which consoled the nation for the disasters by land, would never have occurred had the President and Cabinet been left to act according to their own views. The secret was admirably well kept; but it is to be regretted that the account now given of those transactions should not have been made public till after the death of Mr. Madison and of Mr. Hamilton, who were, in fact, the officers responsible for

a proper employment of the navy, and that not even a copy of the joint letter should have been preserved. The well-earned fame of Commodores Bainbridge and Stewart, and of the other brave, skilful, and devoted officers of the navy, rests on their notorious and undisputed *deeds*, and on the great moral effect which these produced. It seems to me to be due to the memory of the dead that the President and the Secretary of the Navy should also be judged by their public deeds, as sustained by official documents, rather than by the reminiscences of conversations held more than thirty years ago; and by the belief sincerely, but as I think erroneously, entertained by Commodores Bainbridge and Stewart, that their joint letter could have had any effect on Mr. Madison's determination.

For myself, I have no reason to complain. Commodore Stewart, in mentioning my name, only repeats what he heard another say, and he ascribes to me none but honorable motives and opinions, which, as he believed, were generally those of the public at large. He says, indeed, that out of the navy he knew at Philadelphia but one man who thought otherwise. My associations were, however, more fortunate. From my numerous connections and friends in the navy, and particularly from conversations with Commodore Decatur, who had explained to me the various improvements introduced in our public ships, I had become satisfied that our navy would, on equal terms, prove equal to that of Great Britain; and I may aver that this was the opinion not only of Mr. Madison, but of the majority of those in and out of Congress with whom I conversed. The apprehension, as far as I knew, was not on that account, but that, by reason of the prodigious numerical superiority of the British, there would be little chance for engagements on equal terms, and that, within a short time, our public ships could afford no protection to our commerce. But this did not apply to the short period immediately subsequent to the declaration of war, when the British naval force in this quarter was hardly superior to that of the United States. The expectation was general, and nowhere more so than in New York, (where the immediate capture of the *Belvidera* was anticipated,) that our public ships would sail the moment that war was declared. In keeping them in port at that time, the Administration would have acted in direct opposition to the intentions of Congress and to public opinion.

I was present at the ball, and near Mrs. Madison, when the flag of the *Macedonian* was introduced. I did not hear the observations ascribed to Mr. Madison on that occasion, and my impression had been that he was not present.

This letter is too long, and nothing could have induced me to write

much on a subject unimportant to me but the fact that I am, besides yourself, the only survivor of those who enjoyed the intimate confidence of my best and revered friend, James Madison.

Please to accept the assurance of my high regard and sincere attachment.

Your friend and servant,

ALBERT GALLATIN.

*Albert Gallatin to Commodore Stewart.*

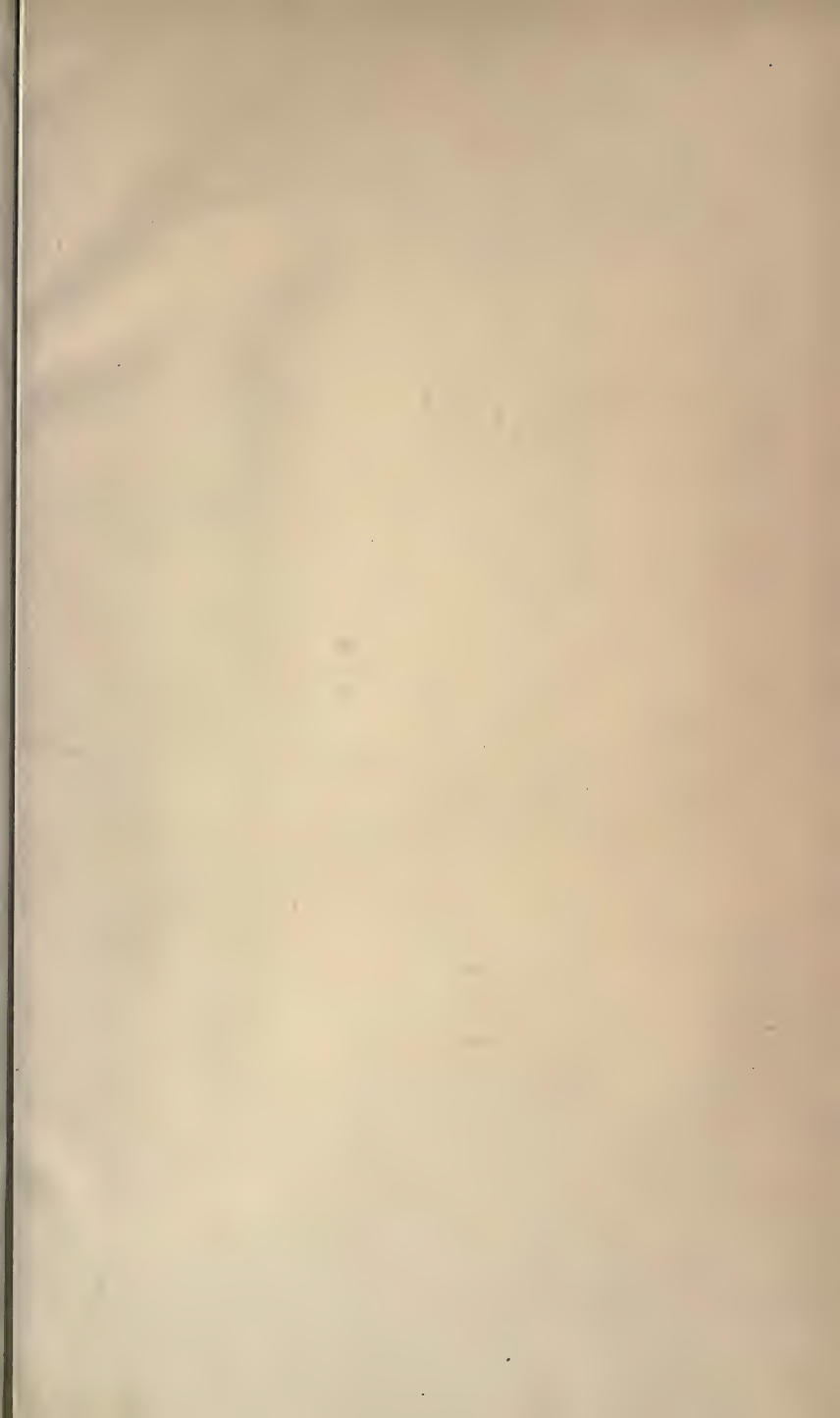
NEW YORK, October 16th, 1845.

SIR: — I return my thanks for your civility in communicating your intended publication, and beg leave to make the following observations:

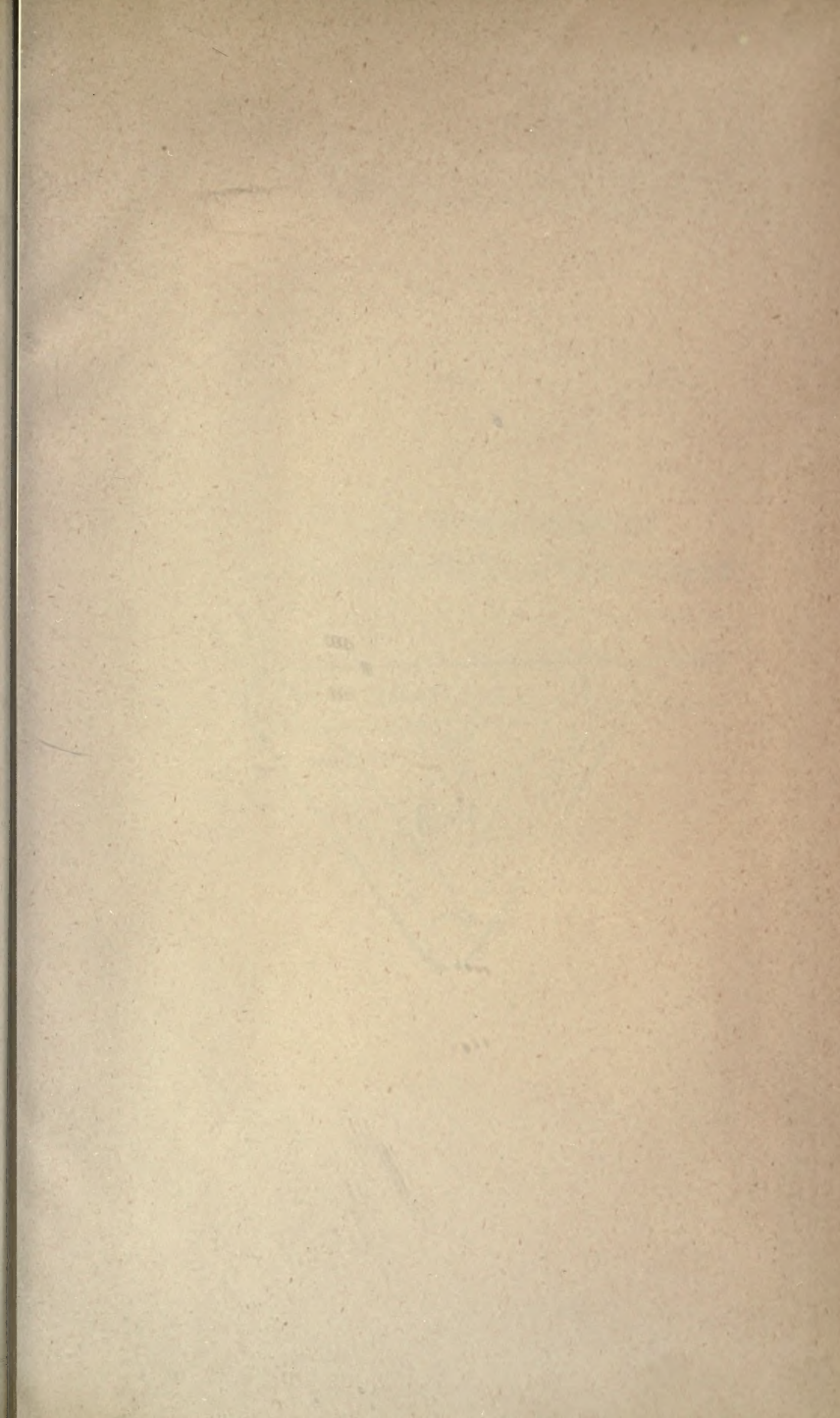
I have not the slightest recollection of having ever assisted at any Cabinet Council where the propriety of laying up the public ships during the war was discussed, or of having proposed that measure, or of its having been entertained by the Administration, or of you and Commodore Bainbridge remonstrating against it, and addressing a letter to the President on the subject. If, in point of fact, I was party or privy to any such transactions, all I can say is, that my memory has failed me much more than I am aware of. I pray you, nevertheless, to make no alteration in those parts of your publication where my name is mentioned. I wish all the facts within your own knowledge, whether they affect me or not, to be faithfully discussed.

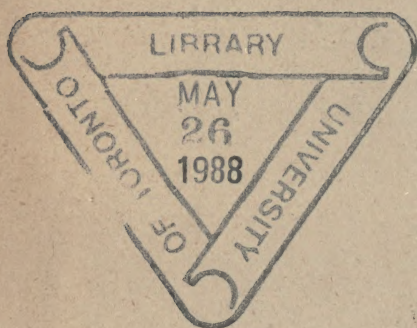
I mentioned to you this morning that you were mistaken in supposing that Congress had adjourned during the session, which continued without interruption from the fourth of November, 1811, to the sixth of July, 1812. I think that you express yourself too strongly (page 3) in saying that the determination of Mr. Madison and his Cabinet was an *incontrovertible fact*; and also (page 16) when you say that Commodore Rodgers *certainly* sailed on the twenty-first of June *without orders*. His letter, in which he acknowledges the receipt of orders dated the eighteenth of June, is dated the first of September, 1812; and Captain Porter's letter, in which he says, "in pursuance of your orders of the twenty-fourth of June, I sailed from Sandy Hook on the third of July," is dated the seventh of September. I have the honor to be, &c.

ALBERT GALLATIN.









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